

# **UDOT Program Development**

## **Transit Team**

### **2019 State Management Plan &**

### **Policies and Procedures**





## **September 2019 UPDATE**

Effective June 2019, the following changes have been made to the UDOT PTT State Management Plan and Policies and Procedures. If you have an older version please be aware of the following changes.

### **Distribution of Excess or Prior Year(s) Funding (Section 4.1)**

Language was added to include distribution of excess funds from an FTA award/apportionment.

### **Announcement of Funds/Request for Letter of Intent (LOI) (Section 4.1)**

Removed requirement of posting legal notices in newspapers.

### **Disposal (Section 4.5)**

Disposal policy was updated for clarity and to include information on selling a vehicle via e-commerce procedures.

### **Title VI Certification and Assurance (Section 4.6)**

Removed language regarding annual signatures.

### **National Transit Database (NTD) (Section 4.8)**

New section added regarding National Transit Database requirements.

### **Transit Asset Management (TAM) (Section 4.9)**

New section added regarding Transit Asset Management requirements.



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## ACRONYMS

ADA	Americans with Disabilities Act
AOG	Association of Governments
BRAG	Bear River Association of Governments
BTA	Basin Transit Association
CAP	Cost Allocation Plan
CATS	Cedar Area Transportation System
CDL	Commercial Driver's License
CFR	Code of Federal Regulations
CVTD	Cache Valley Transit District
DBE	Disadvantaged Business Enterprise
EEO	Equal Employment Opportunity
FAST ACT	Fixing America's Surface Transportation Act
FCAOG	Five County Association of Governments
FFATA	Federal Funding Accountability and Transparency
FFY	Federal Fiscal Year
FHWA	Federal Highway Administration
FMCSA	Federal Motor Carrier Safety Administration
FMCSR	Federal Motor Carrier Safety Regulations
FMVSS	Federal Motor Vehicle Safety Standards
FTA	Federal Transit Administration
FY	Fiscal Year
GIS	Geographic Information System
GPS	Global Positioning System
ITS	Intelligent Transportation System
JARC	Job Access Reverse Commute
LEP	Limited English Proficiency
LOI	Letter of Intent
MAP-21	Moving Ahead for Progress in the 21st Century
MAG	Mountainland Association of Governments
MPO	Metropolitan Planning Organization
NTD	National Transit Database
OMB	Office of Management and Budget
PCA	Personal Care Assistant
POP	Program of Projects
PTT	Public Transit Team
RFP	Request for Proposals
RPO	Rural Planning Organization
RTAP	Rural Transit Assistance Program
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users



SCAOG	Six County Association of Governments
SEUALG	Southeastern Utah Association of Local Governments
SMP	State Management Plan
SMR	State Management Review
STIP	Statewide Transportation Improvement Program
TIP	Transportation Improvement Plan
TrAMS	Transit Award Management System
TASP	Transit Agency Safety Plan
UBAOG	Uintah Basin Association of Governments
UDOT	Utah Department of Transportation
ULB	Useful Life Benchmark
USC	United States Code
USDOT	U.S. Department of Transportation
UTA	Utah Transit Authority
WFRC	Wasatch Front Regional Council



## CHAPTER 1. INTRODUCTION

### 1.1 Using the State Management Plan

The State Management Plan (SMP) describes the Utah Department of Transportation's (UDOT) policies and procedures for administering the state-managed portions of the following Federal Transit Administration's (FTA) programs:

- 5304 – Metropolitan and Statewide Planning
- 5310 – Enhanced Mobility of Seniors and Persons with Disabilities
- 5311 – Formula Grants for Rural Areas
- 5316 – Job Access Reverse Commute
- 5317 – New Freedom
- 5329 – State Safety Oversight
- 5339 – Bus and Bus Facilities

This SMP supersedes all previous versions of the SMP for the State of Utah and remains valid until FTA approves a subsequent SMP. The SMP is intended to facilitate both UDOT and subrecipient management by documenting UDOT's policies and procedures for administering FTA's formula grant programs.

Three federal transportation authorization bills—the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU, 2005), the Moving Ahead for Progress in the 21st Century Act (MAP-21, 2012) and the Fixing America's Surface Transportation Act (FAST, 2015)—guide the FTA programs that UDOT manages. UDOT currently manages funds allocated to the State under SAFETEA-LU's 5304, 5310, 5311, 5316, and 5317 programs. In addition, UDOT is also managing the 5304, 5310, 5311, 5239, and 5339 programs under MAP-21 and the FAST Act. UDOT's Public Transit Team (PTT) unit of UDOT's Program Development division is responsible for administering and managing these programs.

The policies and procedures outlined herein are designed to assist FTA in its reviews of FTA formula grant programs managed by UDOT, to guide UDOT in the management of its portion of FTA formula grant programs, and to serve as a guide and reference for subrecipients and the public. Deviations from the policies and procedures contained in this plan may be considered and are only allowed with written permission from the PTT Program Director. The PTT Director must document why the deviation is acceptable in the written permission document.

This document includes the following seven chapters to articulate and define the federal and state roles, federal laws, UDOT policies and procedures, and the specific FTA programs that UDOT administers:



- *Chapter 1, Introduction*, describes the purpose of the document, defines key terms, summarizes the roles of a direct recipient (UDOT) and subrecipient, and explains how FTA funding is passed through the State.
- *Chapter 2, Roles and Responsibilities*, describes the roles and responsibilities of all agencies and organizations involved in allocating, funding, and identifying FTA-funded projects.
- *Chapter 3, Federal Legislation*, outlines the laws that guide the distribution of federal funds and the requirements inherent to subsidizing programs and projects with federal dollars.
- *Chapter 4, Program Policies and Procedures*, describes how UDOT PTT funds, manages, and maintains compliance of all FTA-funded projects administered through UDOT.
- *Chapter 5, FTA Programs Managed by UDOT PTT*, introduces the programs, federal guidance, and compliance requirements for each FTA program managed by the PTT.
- *Chapter 6, FTA Programs Managed by UDOT Traffic and Safety*, describes the Safety and Security Oversight Program, along with its goals, management procedures and compliance.
- *Chapter 7, Resources*, lists resources that provide additional information on FTA programs and coordination.

UDOT reviews the SMP annually or when a request to review or update the SMP is received from FTA, the public, a subrecipient, or another agency or organization. The SMP is updated to address findings of reviews and to ensure it is current with federal regulations. When significant revisions to the SMP are proposed, UDOT provides an opportunity to receive comment from the public, potential subrecipients of assistance, potential service providers, other state agencies, representatives of other funding sources, and any relevant state associations and professional organizations. A significant revision is a change in eligibility or grant award cycle. FTA must approve revisions to the SMP unless the revisions are minor changes and technical corrections, in which case the revisions are submitted to FTA but approval is not required. Notifications of substantive revisions are distributed to ensure subrecipients are aware of changes, to obtain subrecipients comments, and to address concerns subrecipients may have.

The PTT strives to promote safe and sustainable means of public transit throughout Utah. As a means to achieve this mission, the PTT will:

- Promote and advocate for public transit by raising awareness, building partnerships, and improving customer service.
- Support and promote new technologies and information to leverage the effectiveness of public transit resources.
- Further leverage transit resources by building relationships with stakeholder groups and by sharing information effectively.



## 1.2 Definitions

The following terms and phrases appear throughout the SMP. An understanding of these terms will aid readers who are not familiar with FTA and UDOT programs, policies, and procedures.

Aging Population: See “Senior Individual.”

Americans with Disabilities Act (ADA): A law that prohibits discrimination and ensures equal opportunity for individuals with disabilities in employment, state and local government services, public accommodations, commercial facilities, and transportation (Public Law 336 of the 101st Congress, enacted July 26, 1990 (42 United States Code [USC]) 12101 et seq.), and later amended January 1, 2008, extending protections to a greater number of people.

Applicant: An entity that is seeking, but has not yet been awarded, specific federal financial assistance directly from FTA; used interchangeably with “grant applicant.”

Bus and Bus Facilities Program (Section 5339): FTA formula grant program providing capital funding to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities.

Capital Asset: Facilities or equipment with a useful life of at least one year.

Capital Expenses: Expenses directly related to the acquisition, construction, and improvement of facilities or equipment used for public transportation purposes, including, but not limited to, vehicles and related equipment.

Capital Lease: Any transaction whereby the recipient acquires the right to use a capital asset without obtaining full ownership regardless of the tax status of the transaction.

Capital Project: A category of reimbursable project expenses that includes all activities identified in 49 USC 5302(3).

Commuter Bus: Fixed-route bus systems that are primarily connecting outlying areas with a central city through bus service that operates with at least five miles of continuous closed-door service. This service may operate motor coaches (aka over-the-road buses), and usually features peak scheduling multiple-trip tickets and limited stops in the central city (National Transit Database).

Community Transportation: Transportation services provided by or on behalf of a human service agency to provide access to agency services and/or to meet the basic, day-to-day mobility needs of transportation-disadvantaged populations, especially individuals with disabilities, older adults, and people with low incomes.



Competitive Selection Process: A process through which projects are chosen to receive funding. The process is conducted by the PTT in cooperation with local government authorities, with final approval from the Utah Transportation Commission.

Coordinated Public Transit-Human Service Transportation Plan (Coordinated Plan): Locally developed, coordinated transportation plan that identifies the transportation needs of individuals with disabilities, seniors, and people with low incomes; provides strategies for meeting those needs; and prioritizes transportation services for funding and implementation.

Cost of Project Property: The net invoice unit price—including the cost of modifications, attachments, accessories, or auxiliary apparatuses—necessary to make the equipment usable for its intended purpose.

Cost Allocation Plan: Cost allocation plan means one or more documents identifying, accumulating, and allocating or developing billing rates based on the allowable costs of services provided by a state, local government, or Indian tribe on a centralized basis to its departments and agencies. The costs of these services may be allocated or billed to users

Designated Recipient: An entity designated—in accordance with the planning process under 49 USC 5303 and 5304—by the governor of a state, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under Section 5310, 5311, 5329, and 5339 grants.

Disability: Per section 3(1) of the Americans with Disabilities Act of 1990 (42) a physical or mental impairment that substantially limits one or more major life activities of such individual.

Eligible Low-income Individual: An individual whose family income is at or below 100 percent of the poverty line (as that term is defined in Section 673(2) of the Community Services Block Grant Act (42 USC 9902(2)), including any revision required by that section) for a family of the size involved.

Enhanced Mobility of Seniors and Individuals with Disabilities Program (Section 5310): FTA formula grant program for public transportation capital projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities.

Fixing America's Surface Transportation Act (FAST Act) 2015: The FAST Act authorizes \$305 billion over fiscal years 2016 through 2020 for highway, highway and motor vehicle safety, public transportation, motor carrier safety, hazardous materials safety, rail, and research, technology, and statistics programs. The FAST Act replaces MAP-21.



Federally Recognized Indian Tribal Governments: Those Indian tribes recognized by the U.S. Bureau of Indian Affairs for certain federal government purposes.

Formula Grants for Rural Areas (Section 5311): FTA formula grant program that provides funding to states for the purpose of supporting public transportation in areas with populations less than 50,000.

Individual with a Disability: An individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who uses a wheelchair or has semi-ambulatory capability), cannot effectively use, without special facilities, planning, or design, public transportation service or a public transportation facility.

Indirect Costs: Costs that are incurred for common or joint objectives and therefore cannot be identified readily and specifically with a particular sponsored project, an instructional activity, or any other institutional activity (Office of Management and Budget [OMB] Circular A-21). The indirect cost rate is determined in the cost allocation plan.

Intercity Bus Service: Regularly scheduled bus service for the general public that operates with limited stops over fixed routes connecting two or more urban areas not in close proximity. This service has the capacity for transporting baggage carried by passengers and makes meaningful connections with scheduled intercity bus service to more distant points, if such service is available.

Job Access and Reverse Commute (JARC) Program (Section 5316): FTA formula grant program for projects relating to the development and maintenance of transportation services designed to transport eligible low-income individuals to and from jobs and activities related to their employment. The program is also for public transportation projects designed to transport residents of urbanized areas and non-urbanized areas to suburban employment opportunities. Section 5316 was repealed by MAP-21 and limited elements were combined with the Section 5311 program.

Local Government Agency: Any of the following: a) a political subdivision of a state; b) an authority of at least one state or political subdivision of a state; c) an Indian tribal government; or d) a public corporation, board, or commission established under the laws of a state.

Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21): An act signed into law by President Obama on July 6, 2012, reauthorizing surface transportation programs through fiscal year (FY) 2014. MAP-21 replaces the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU). The law guarantees \$105 billion for FY2013 and FY2014 for highway, safety, and public transportation projects. Replaced by the FAST Act.



**Mobility Management:** Short-range planning and management activities and projects for improving coordination among public transportation and other transportation service providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a government entity, under 49 USC 53 (other than Section 5309). Mobility management funding does not include operation of public transportation services.

**New Freedom Program (Section 5317):** FTA formula grant program for new public transportation services and public transportation alternatives beyond those required by the ADA that assist individuals with disabilities with transportation, including transportation to and from jobs and employment support services. Section 5317 was repealed by MAP-21, and elements were combined with the Section 5310 program.

**Non-profit Organization:** A corporation or association determined by the Secretary of the Treasury to be an organization described by 26 USC 501(c) that is exempt from taxation under 26 USC 501(a), or one that has been determined under state law to be non-profit and for which the designated state agency has received documentation certifying the non-profit status of the organization.

**Non-urbanized Area:** Any area outside of an urbanized area, including rural areas and urban areas with a population less than 50,000 not included in an urbanized area.

**Older Adults:** See “Senior Individual.”

**Operating Expenses:** Expenses directly connected with service operations, including but not limited to: fuel, oil, vehicle maintenance, drivers and dispatchers salaries and fringe benefits.

**Paratransit:** Comparable transportation service required by the ADA for individuals with disabilities who are unable to use fixed-route public transportation systems.

**Performance Measures:** Beginning with MAP-21, performance measures are established for each project to measure project or system performance.

**Program of Projects (POP):** A list of projects to be funded in a grant application submitted to FTA by a designated recipient. The POP lists the subrecipients and indicates if they are private non-profit agencies, governmental authorities, or private providers of transportation service; designates the areas served (including rural areas); and identifies any tribal entities. In addition, the POP includes a brief description of the projects, total project cost and federal share for each project, and the amount of funds used for program administration.



Project Administrative Expenses: Expenses relating to the administration of a local transportation project, including, but not limited to, administrative salaries, overhead expenses, planning expenses, supplies, and office equipment used to administer the project.

Property: Equipment, supplies, and rolling stock.

Public Transportation: Surface transportation by a conveyance that provides regular and continuing general or special transportation to the general public, but does not include school bus, charter, or intercity bus transportation or intercity passenger rail transportation.

Rehabilitated Vehicle: A vehicle that has undergone a major mechanical overhaul, which would include all or many of the following replacement components: new engine, transmission, drive shaft, axle, differential, brakes, wheel bearing, fuel system, suspension system, steering system, electrical system, coolant system, exhaust system, and heating/air conditioning of a vehicle. Vehicle rehabilitation may also include, but not be limited to, cosmetic body or interior work.

Rural/Statewide: Areas within the State outside of the Small Urbanized and Urbanized areas.

Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU): A bill signed into law by President George W. Bush on August 10, 2005, that guaranteed funding for highways, safety, and public transportation totaling \$244.1 billion. Replaced by MAP-21.

Senior Individual: At a minimum, all persons 65 years of age or older.

Small Urbanized Area: An area that has been defined and designated in the most recent decennial census as an “urbanized area” by the Secretary of Commerce. These areas are classified with a population ranging from 50,000 to 200,000.

State Administrative Expenses: Expenses relating to the administration of an FTA program, including, but not limited to, administrative salaries, overhead expenses, supplies, planning, and office equipment used to administer the program.

State Management Plan (SMP): A document that describes a state’s policies and procedures in administering the Section 5304, 5310, 5311, 5316, and 5317, 5329 and 5339 programs. All states are required to have an FTA-approved SMP. The SMP may be used internally or by subrecipients around the state. The document provides guidance in completing a letter of intent (LOI) to apply, explains pertinent FTA regulations, and provides a calendar showing important dates for the project development and application process.



State Management Review (SMR): FTA's comprehensive oversight review of the direct recipient and designed to assess management practices and program implementation. The review occurs onsite every 3 years.

Statewide Transportation Improvement Program (STIP): A five-year list of all individual state, city, and county transportation improvement projects, including highway and transit projects. The STIP is developed by UDOT and is jointly approved by FTA and the Federal Highway Administration (FHWA). The STIP includes the Metropolitan Planning Organization's (MPO's) Transportation Improvement Plan (TIP).

Statewide Transportation Planning Program (Section 5304): FTA formula grant program that is allocated to statewide transportation needs. The PTT disperses funds to areas outside of urban areas to assist with transit planning needs.

Subrecipient: A state or local governmental authority, non-profit organization, or operator of public transportation services that receives FTA funding through a direct recipient.

Technical Capacity: Having the necessary staff with the technical training and experience to adequately manage and fulfill federal requirements, including the ability to meet documentation requirements, submit required reports correctly and on time, and maintain project equipment.

Transit Capital Investment Program (Section 5309): A program that provides capital assistance for three primary activities:

- New and replacement buses and facilities
- Modernization of existing rail systems
- New fixed-guideway systems

Transportation Improvement Plan (TIP): A prioritized, minimum four-year plan of projects addressing the most immediate implementation priorities of urbanized areas with populations of 50,000 or more. The TIP is developed and adopted by MPOs as part of the metropolitan transportation planning process. The TIP is approved jointly by the MPO and the governor, and incorporated into the STIP.

Urbanized Area: An area encompassing a population not less than 50,000 that has been defined and designated in the most recent decennial census as an "urbanized area" by the Secretary of Commerce. Urbanized areas, as used in the context of FTA formula grant programs, are areas with populations of more than 200,000.

### 1.3 Direct Recipient vs. Subrecipient

The PTT is the direct recipient of FTA funds. As the direct recipient, UDOT is considered the primary direct recipient and is responsible for daily grant administration and management, as well as ensuring that utilized funds comply with the grant agreement and applicable FTA circulars and regulations. The direct recipient is also responsible for funds that are "passed through" to a subrecipient.

"Subrecipient" refers to the entity that receives federal assistance awarded by the PTT rather than by FTA directly. Although UDOT may delegate any or almost all project responsibilities to one or more subrecipients, UDOT agrees that it, rather than the subrecipient, is ultimately responsible for compliance with all applicable federal laws, regulations, and directives, except to the extent that FTA determines otherwise in writing.

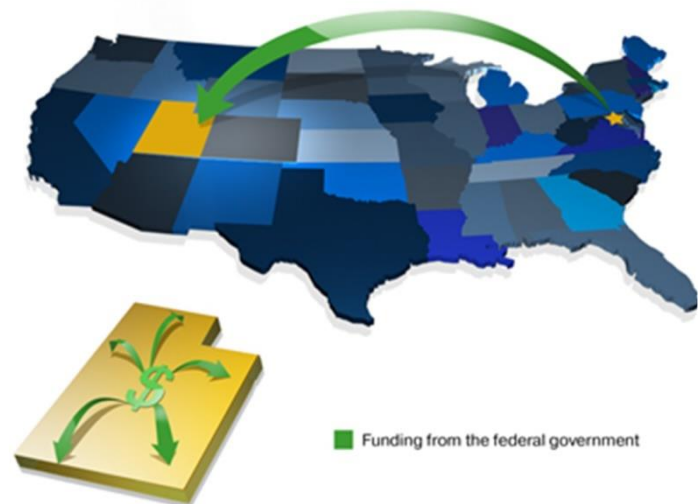
### 1.4 Federal Funding

The PTT applies for and distributes FTA funds on a competitive basis to assist subrecipients in providing services to senior individuals, individuals with disabilities, the low-income population, and the general public in small urban and rural areas statewide (see Figure 1.1).

The approximate amount of federal funds is based on previous years' allotments. The amount is not guaranteed, but serves as a guide for the application process. The amount allocated to Utah is subject to the state of the national economy and the current/future funding bill, among other criteria.

UDOT's Statewide Transportation Improvement Program (STIP) is a five-year plan of highway and transit projects for the state of Utah. The STIP is maintained daily and includes transportation projects on the state, county, and city highway systems as well as projects in the national parks, national forests, and Indian reservations. These projects use various federal and state funding programs. Projects funded via the PTT are included on the STIP.

**Figure 1.1: Federal Funding Distribution**



## CHAPTER 2. ROLES AND RESPONSIBILITIES

### 2.1 FTA

The federal government, through FTA, provides financial assistance to develop new transit systems and improve, maintain, and operate existing systems. FTA provides overall policy and guidance for funds, which it apportions annually to state and local transit providers, primarily through its 10 regional offices.

Utah is one of six states overseen by the FTA Region VIII office. Region VIII also includes Colorado, Montana, North Dakota, South Dakota, and Wyoming (see Figure 2.1).

The regional office is based in Denver, Colorado, and is responsible for ensuring that direct recipients follow federal mandates along with statutory and administrative requirements. The responsibilities of the regional office include: reviewing and approving state grant applications, obligating funds, managing grants, overseeing implementation of the annual Program of Projects (POP) for each state, receiving state certifications, reviewing SMPs, providing technical assistance and advice to the states as needed, and performing state management reviews.

**Figure 2.1: FTA Region VIII**



### 2.2 Utah Transportation Commission

Utah's transportation commissioners are appointed by the governor and serve as part of an independent advisory committee. In general, the Utah Transportation Commission prioritizes projects, decides how transportation funding is allocated, and gives final approval of projects. Relating to the PTT, the commission reviews and gives final approval of the funding for each project. See the following website for project prioritization and for updates to the member district map: <http://www.udot.utah.gov/main/uconowner.gf?n=4868503227088517>.



## 2.3 UDOT

UDOT is a state agency that plans, develops, and maintains the statewide transportation network in Utah. Pursuant to 49 USC 5301 et seq., UDOT is the designated recipient and the agency responsible for administering the Section 5304, 5310, 5311, 5316, 5317, 5329, and 5339 formula grant programs.

## 2.4 UDOT Planning and Investment

UDOT's Planning and Investment division supports UDOT's overall efforts through four major business areas, one of which is to identify transportation needs. Identifying transportation needs is conducted through the long-range planning process and forms the basis for development of the long-range transportation plan, pursuant to the statewide and metropolitan planning requirements. For a copy of UDOT's organizational charts, contact the PTT group.

## 2.5 Regional Planning Agencies

Transportation planning is coordinated through Metropolitan Planning Organizations (MPOs) in urbanized areas, and Associations of Governments (AOGs) in non-urbanized areas, as described below.

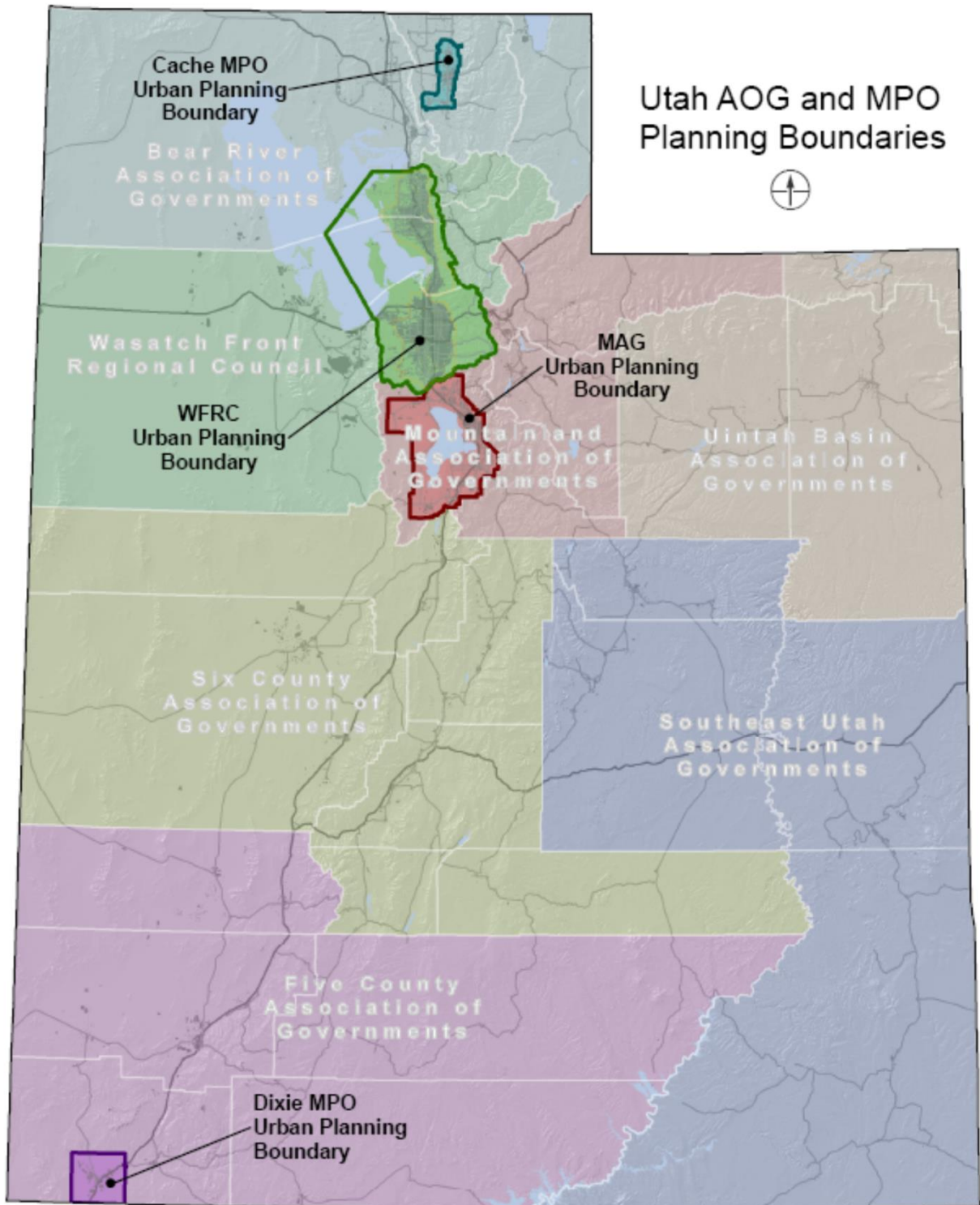
### MPOs

MPOs are agencies responsible for transportation planning in urbanized areas with populations greater than 50,000. Rather than focusing on each county's individual transportation issues, MPOs focus on improving transportation for an entire region. By doing so, they create a more efficient and effective transportation network. Pursuant to the statewide and metropolitan planning requirements, MPOs produce long-range transportation plans for all forms of travel including highways, transit, trucking, rail, and air quality in the areas they serve. There are four MPOs in Utah (see Figure 2.2):

- Cache MPO
- Mountainland Association of Governments (MAG)
- Wasatch Front Regional Council (WFRC)
- Dixie MPO

These MPOs are regulated by the Federal Highway Act of 1962 and funded through the FAST Act. MAG and WFRC are also AOGs, which are described below.

Figure 2.2: Utah's AOGs and MPOs





## **Associations of Governments (AOG)**

AOGs combine two or more counties to better coordinate each county's plans and programs. They are established by the State of Utah to serve as multi-purpose organizations that utilize their combined resources to provide a more effective means for planning and development of the physical, economic, and human resources of the region. Utah is divided into seven AOGs that encompass the following the counties (see Figure 2.2):

- Bear River Association of Governments (BRAG): Box Elder, Cache, and Rich counties
- MAG: Summit, Utah, and Wasatch counties
- WFRC: Salt Lake, Davis, Weber, Morgan, and Tooele counties
- Uintah Basin Association of Governments (UBAOG): Daggett, Uintah, and Duchesne counties
- Six County Association of Governments (SCAOG): Juab, Millard, Piute, Sanpete, Sevier, and Wayne counties
- Southeastern Utah Association of Local Governments (SEUALG): Carbon, Emery, Grand, and San Juan counties
- Five County Association of Governments (FCAOG): Washington, Kane, Iron, Garfield, and Beaver counties

MAG and WFRC serve dual functions as MPOs and AOGs for their respective areas. AOGs are regulated by the Utah Inter-Local Cooperation Act of 1965. They are eligible for financial support through the State's Consolidated Planning Grant for local transit planning purposes.

## **Rural Planning Organizations (RPOs)**

Areas not considered urban are also represented in the realm of transportation planning. Like MPOs, RPOs coordinate transportation issues region wide; however, RPOs provide transportation planning for areas with populations less than 50,000 and are not federally designated. Much like the other programs, rural planning involves coordination and public involvement, planning, programming, and funding. RPOs serve as a rural consultation link between the states, local elected officials, and residents. RPOs help to fulfill the requirements mandated by Title 23 of the Code of Federal Regulations (CFR) Part 450 Subpart B — Statewide Transportation Planning and Programming 450.200 to 450.224. Utah currently has four RPOs:

- Wasatch County RPO: Formed in 2003, works with MAG
- Tooele County RPO: Formed in 2004, works with WFRC
- Box Elder RPO: Formed in 2008, works with WFRC
- Washington RPO: Formed in 2009, works with Dixie MPO



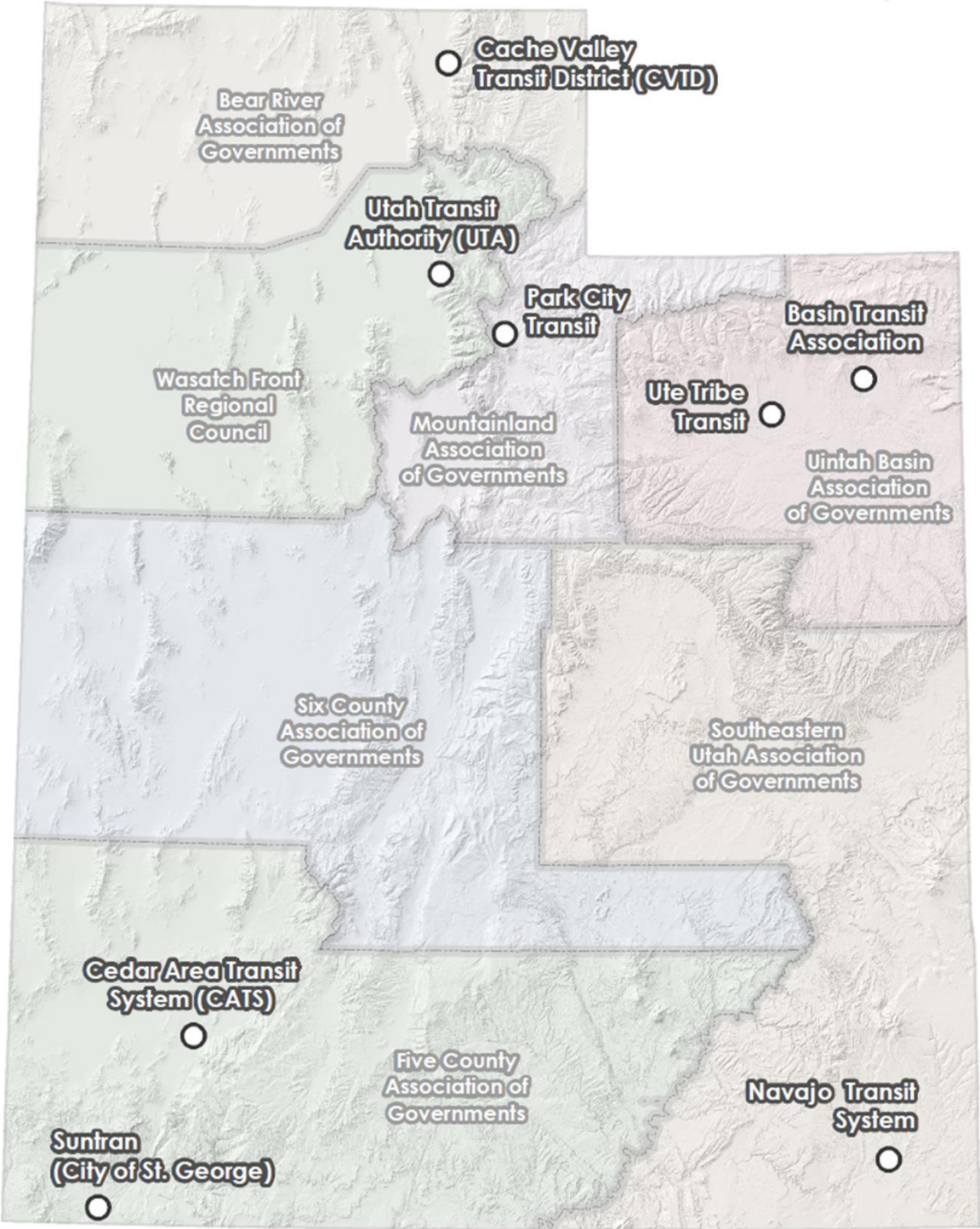
## 2.6 Transit Systems

Utah currently has eight transit systems (see Figure 2.3):

- Cache Valley Transit District (CVTD): Provides fixed-route and paratransit service throughout Cache County and Preston, Idaho
- Utah Transit Authority (UTA): Provides myriad transit, paratransit, and ride-share services throughout Box Elder, Davis, Salt Lake, Tooele, Utah, and Weber counties
- Cedar Area Transportation System (CATS): Under Cedar City authority, provides fixed-route and paratransit service throughout the city
- SunTran: Under City of St. George authority, provides fixed-route and paratransit service throughout the city
- Park City Transit: Under Park City authority, provides fixed-route and paratransit service throughout Park City and surrounding areas within Summit County
- Basin Transit Association (BTA): Provides fixed-route service to Duchesne, Roosevelt, and Vernal
- Navajo Transit System: Provides fixed-route service throughout the Navajo Nation in Arizona, New Mexico, and Utah (including the Aneth, Blanding and Bluff)
- Ute Tribe Transit: Provides transit service throughout the Ute reservation



Figure 2.3: Regional Transit Systems in Utah





## 2.7 Tribal Governments

Federally recognized Indian tribes may be subrecipients or may elect to apply to FTA as direct recipients. Five major tribes continue to inhabit Utah (see Figure 2.4):

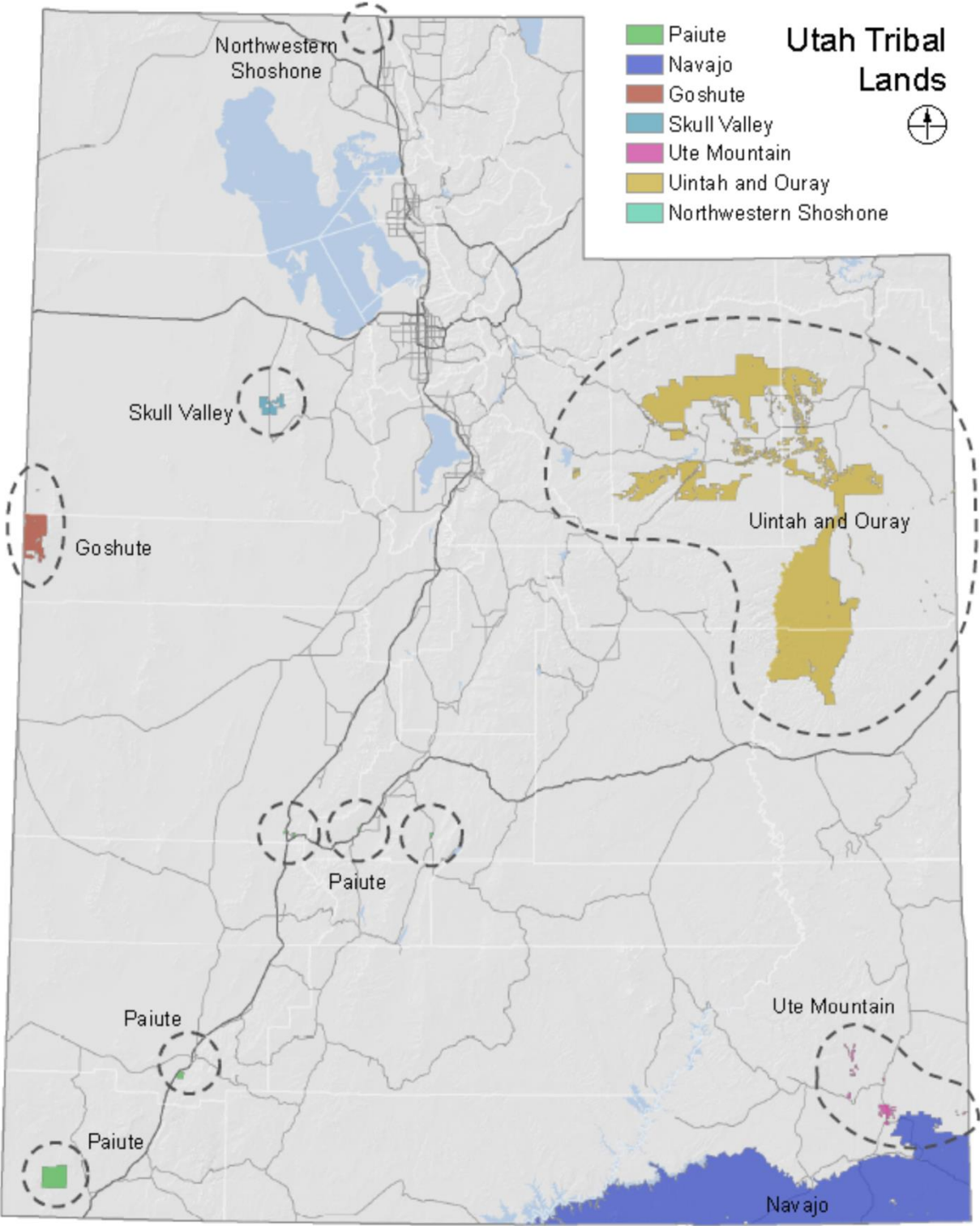
- Ute (Uintah and Ouray)
- Navajo (Dine')
- Paiute
- Shoshone
- Confederated Tribes of Goshute
- Northwestern Band of Shoshone
- Skull Valley Goshutes
- Ute Mountain Ute (White Mesa)

Tribal transportation funding and programs come from a variety of federal and state sources. The following programs are recognized:

- Federal-aid Highway Program
- Indian Reservation Roads Program
- Tribal Transit Grant Program
- Tribal Technical Assistance Program



Figure 2.4: Utah Tribal Lands





## **2.8 Public Transit Team (PTT)**

The PTT is the unit within UDOT's Program Development division responsible for administrating and managing the Section 5304, 5310, 5311, 5316, 5317, 5329, and 5339 formula grant programs. The PTT also administers the Section 5304 Statewide Planning Program that is part of the Consolidated Planning Grant transferred from FTA to the Federal Highway Administration (FHWA). The PTT is responsible for developing and maintaining the SMP; ensuring the fair and equitable distribution of federal funds within the state; announcing the program and availability of funds; developing a process to solicit, review, and approve eligible funding sources; providing management and technical assistance to applicants; administering and monitoring contracts; and ensuring compliance with federal requirements by all subrecipients. The PTT functions with support from the following UDOT departments: Civil Rights, Procurement, Consultant Services, Legal, and the Comptroller's Office.

The PTT unit includes the staff positions described below. See Figure 2.5 for the PTT Organization Chart. Contact information for PTT staff can be found on the PTT website at:

[www.udot.utah.gov/publictransit](http://www.udot.utah.gov/publictransit).

### **PTT Public Transit Program Director**

Acting on behalf of UDOT's Executive Director, the PTT Public Transit Program Director (PTT Director) oversees the day-to-day functions of the PTT and is responsible for ensuring that the PTT has the capacity to adequately administer the FTA grants for which it is responsible. In general terms, the PTT Director oversees the staff's grant program management and compliance with federal requirements.

The PTT Director is ultimately responsible for the following tasks:

- Developing the SMP for all FTA programs
- Developing and maintaining agreements with subrecipients
- Ensuring all statewide planning requirements are met
- Providing technical assistance on federal and state requirements provided to subrecipients
- Ensuring annual Certifications and Assurances are pinned by the proper authority
- Complying with FTA financial management requirements
- Establishing the annual PTT budget
- Conducting annual performance reviews of PTT staff

### **PTT Program Manager(s)**

Program Managers oversee the grant management process for their respective formula grant program(s) and report directly to the PTT Director. Program Managers assist the PTT Director with tasks as directed and are directly responsible for the following tasks:



- Developing POPs
- Applying to FTA for funding
- Negotiating and formulating contracts with subrecipients
- Reviewing subrecipient procurement methods
- Managing ongoing internal procurement(s)
- Providing contract-specific technical assistance to subrecipients
- Receiving and reviewing performance measures and milestone reports
- Reviewing invoices
- Closing out contracts and projects
- Coordinating with the PTT Compliance Officer to ensure report accuracy

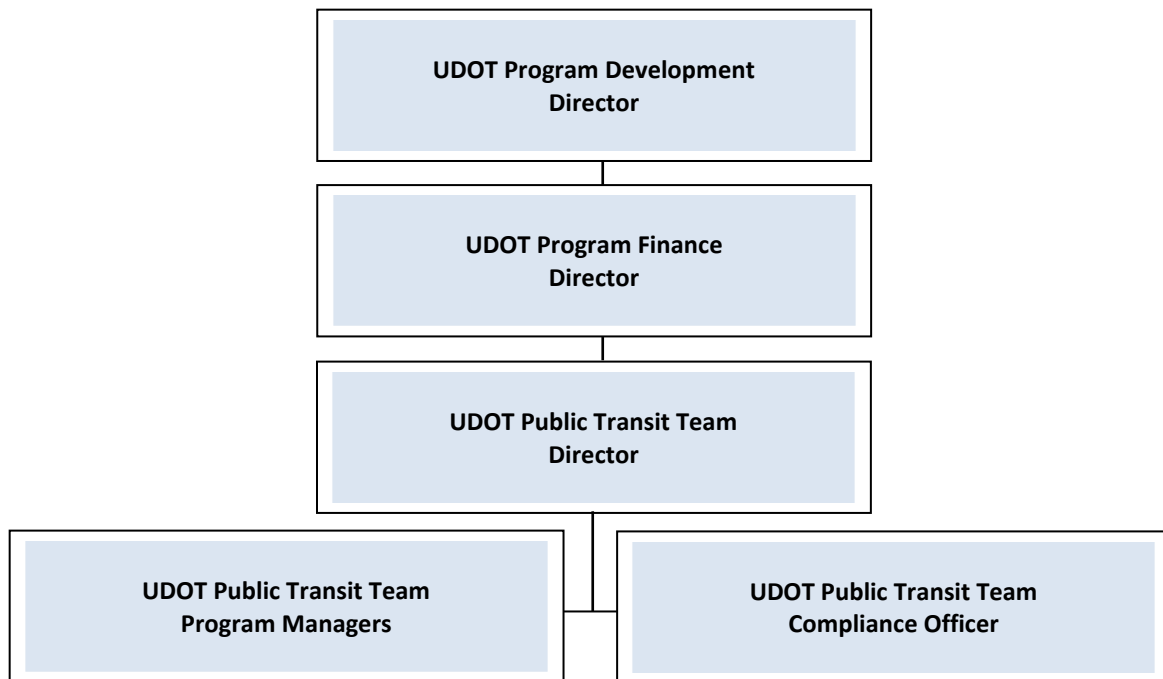
### **PTT Compliance Officer**

The PTT Compliance Officer provides compliance oversight for the entire program and reports directly to the PTT Director. The Compliance Officer provides support to the PTT Director and Program Managers on compliance-related questions and issues and is directly responsible for the following tasks:

- Performing biennial on-site compliance reviews of subrecipients
- Providing ongoing compliance and internal report monitoring
- Receiving and reviewing reports
- Coordinating with Program Managers to ensure report accuracy
- Developing and updating compliance manuals and forms
- Reviewing the SMP
- Providing compliance-related technical assistance



**Figure 2.5 PTT Organization Chart**



## CHAPTER 3. FEDERAL LEGISLATION

Federal legislation directly affects the PTT and its subrecipients and is implemented through FTA guidance/circulars. This section does not include an exhaustive list and description of federal legislation; rather, it describes legislation that is sometimes less known or legislation for which the PTT has more stringent policies.

### 3.1 Civil Rights

UDOT adheres to federal civil rights requirements through agency monitoring and administration and the establishment of both FHWA and FTA Title VI plans.

UDOT maintains a file of program funding requests that identifies applicants that are minority organizations or provides SMP assistance to minority communities. To reach out to minority organizations and inform them of the opportunity to participate in section programs, UDOT provides annual notices of the availability of funding to all known transit operators, including Indian tribes and minority organizations. Additionally, statewide media coverage is facilitated through public notice advertisements.



## **Agency Monitoring and Administration**

UDOT complied with the requirements of the Civil Rights Act on April 29, 1988, by executing and filing a one-time assurance with FTA. Subrecipients are required to file similar assurances with UDOT in agreement form. The assurances in the agreement are written as follows:

“As a condition of receiving Federal financial assistance under the UMTA [Urban Mass Transportation Administration] Mass Transportation Act of 1964, as amended, it will ensure that:

- a. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
- b. The agency will compile, maintain, and submit in a timely manner Title VI information required by UMTA Circular 4702.1 and in compliance with the Department of Transportation’s Title VI regulation, 49 CFR Part 21.9.
- c. The agency will make it known to the public that those person or persons of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.”

## **Title VI Program**

### **Statewide Transportation Planning Activities**

As required by FTA Circular 4702.1B, UDOT has established an analytical process to identify those population segments protected under Title VI of the Civil Rights Act of 1964.

UDOT has in place a comprehensive approach utilizing the best available census data and Geographic Information System (GIS) tools to analyze and assist in integrating into its statewide planning activities all considerations expressed in the USDOT Order on Environmental Justice, for certifying compliance with Title VI. These efforts culminate in the application process. While UDOT requires each proposed application to be a part of the current coordinated plan, UDOT also requires new subrecipients to document the public process involved in creating their proposed project/service. (This requirement applies to current subrecipients with changes in service as well.)

The process must include documentation of the subrecipient’s public involvement efforts to provide early and continuous opportunities for the public to be involved in the planning process. An agency’s public participation strategy must offer early and continuous opportunities for the public to be involved in the identification of social, economic, and environmental impacts of proposed transportation decisions. These efforts include:

- Providing notice to the public that the subrecipient is committed to providing non-discriminatory service and providing direction on how an individual may file a discrimination report



- Coordinating with individuals, institutions, or organizations, and implementing community-based public involvement strategies to reach out to members in the affected minority and/or low-income communities
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture verbal comments
- Using locations, facilities, and meeting times that are convenient and accessible to low-income and minority communities
- Tailoring communications to a particular community or population by using different meeting sizes or formats, or varying the type and number of news media used to announce public participation opportunities
- Implementing USDOT's policy guidance concerning recipients' responsibilities to LEP persons to overcome barriers to public participation

If the applicant does not have a documented public outreach plan regarding the proposed project, their application will be rejected.

1. UDOT has a demographic profile of the state that includes the locations of socioeconomic groups, including low-income and minority populations (as well as Native American populations) as covered by the Executive Order on Environmental Justice and Title VI.
  - a. Utilizing census block group data downloaded from [www.census.gov](http://www.census.gov), the location of low-income and minority populations are displayed on a density scale. In addition, the predominant minority groups are also identified in each AOG region for specific outreach measures.
2. UDOT has a statewide transportation planning process that identifies the needs of low-income and minority populations.
  - a. UDOT provides the above data to local AOG planners to isolate and target areas for local outreach and involvement within their own planning areas. This information is used in their coordinated planning efforts/updates.
  - b. UDOT works with AOG staff to interpret the data.
  - c. UDOT provides training to local AOGs to ensure that the AOGs are knowledgeable on Title VI and to ensure equal opportunity for low-income and minority populations.
  - d. Local AOG planners incorporate the outreach and local involvement in local plans to update any gaps and needs of the local areas, and then report those changes to UDOT, as needed.
  - e. Through public outreach, UDOT and AOGs encourage applications from agencies serving predominantly minority and low-income populations. This process may include:
    - i. Posting on the PTT and AOG websites



- ii. Based on data, reaching out to identified agencies currently serving predominant minorities or low-income populations
  - iii. Notifying and inviting identified agencies to local and regional coordination and public process opportunities
- f. UDOT updates the statewide plan from the local reported updates to include the documented needs and gaps from the local AOGs of the low-income and minority populations.
- g. UDOT provides this information to all known providers within the state. This information is clearly posted on the PTT website and disseminated to all agency and provider contacts.
- h. UDOT provides training on an as-needed or requested basis to ensure that all subrecipients are aware of Title VI, are equipped to be in compliance, and are meeting required planning needs. Needs include:
  - i. Reaching out to the public to receive comments on a proposed service or an extension or change to a current service
  - ii. Documenting outreach and planning efforts by subrecipients
- 3. UDOT has an analytical process that identifies the benefits and burdens of the state's transportation system investments for different socioeconomic groups. This process identifies imbalances and responses to the analyses produced.
  - a. The maps and associated data provide each AOG with demographic information for targeted Title VI population segments while displaying the density of these populations within the region. Coupled with the location of providers, trip generators, and recently awarded FTA funds, UDOT and AOGs can begin to strategize and more effectively plan how to provide more meaningful opportunities for participation in the transportation planning process.
  - b. Known providers and providers that have recently been awarded FTA funds are displayed to give the local AOG planners a better perspective on the allocation of funds in relation to the concentration of these populations. The location of major trip generators, including the region's largest employers and hospitals, are also provided.

#### Program Administration

UDOT maintains documentation of processes for the pass-through of FTA funds under the Enhanced Mobility of Seniors and Individuals with Disabilities (5310), Formula Grants for Rural Areas (5311), Job Access Reverse Commute (JARC), New Freedom, and Bus and Bus Facility (5339) grant programs without regard to race, color, or national origin. In addition, the process is documented to ensure minority populations are not being denied benefits or excluded from participation in these programs.

1. UDOT has a competitive selection process for the 5310 program that annually selects projects that are submitted to FTA as part of its grant applications. The description includes



the method used to ensure the equitable distribution of funds to subrecipients that serve predominantly minority and low-income populations, including Utah's Native American tribes.

- a. UDOT and AOG planners utilize the analyzed documentation to ensure that the socioeconomic populations are notified when FTA funds are advertised annually. Funds are advertised in local papers, by mass mailing, and additional outreach efforts if needed.
  - b. Annual application training may be provided upon request.
  - c. Applications are received and reviewed for eligibility of entity, eligibility of the project, and completeness of application.
  - d. To ensure funding consideration for all applicants, UDOT provides additional assistance to applicants, if needed, to bring their application into compliance.
  - e. Eligible applications are returned to local AOG regions for prioritization of projects. All AOGs have a prioritization committee that utilizes criteria to prioritize local applications. Local prioritized projects are returned to UDOT with documented processes to ensure an equitable prioritization process has been followed.
  - f. UDOT then compiles statewide priorities. UDOT reviews the priority lists to ensure that the local documented process has been followed.
  - g. UDOT prioritizes projects and ensures a fair and equitable process is followed and documented.
  - h. UDOT prepares a list of recommended projects and submits it to the Utah Transportation Commission for final approval, as part of UDOT's annual STIP process.
2. Projects for the 5311 and 5339 programs are selected through a collaborative process with the statewide fixed-route providers. A meeting is held annually to review the capital needs, prioritize funding years, and outline projects to be included on the STIP. All fixed-route providers are required to have a capital improvement plan (or equivalent) that identifies projects and approximate years of implementation.
3. UDOT has criteria for selecting transit providers to participate in FTA-funded programs.
  - a. Selection for FTA-funded programs must meet the following three criteria: entity is eligible, project is eligible, and the application for each program is complete.
4. UDOT keeps a record on file in PTT of all application requests for Enhanced Mobility of Seniors and Individuals with Disabilities (5310), Formula Grants for Rural Areas (5311), JARC (5316), New Freedom (5317), and Bus and Bus Facility program (5339) funding. The record identifies applicants that use grant program funds to provide assistance to predominantly minority and low-income populations. The record also indicates if the applicants were accepted or rejected for funding.



UDOT staff may travel to AOG areas on request to provide training at the local level. UDOT staff may also provide individual assistance to agencies upon request, including agencies that serve predominantly minority and low-income populations.

UDOT submits a Title VI plan to FTA every three (3) years in compliance with FTA Circular 4702.1B. The program includes the following items:

1. A copy of the procedures used to certify that the statewide planning process complies with Title VI.
2. A description of the procedures the agency uses to pass through FTA financial assistance in a non-discriminatory manner.
3. A description of the procedures the agency uses to provide assistance to potential subrecipients applying for funding in a non-discriminatory manner.
4. A description of how the agency monitors its subrecipients for compliance with Title VI and a summary of the results of this monitoring.

#### Subrecipient Title VI Plans

All current and future subrecipients are required to have a PTT-approved Title VI plan. To be eligible for funding, agencies must have a PTT-approved Title VI plan. The PTT provides Title VI trainings when FTA requirements change and upon request from an agency. The PTT has Title VI training resources available at: [www.udot.utah.gov/main/f?p=100:pg:0:::1:T,V:4242](http://www.udot.utah.gov/main/f?p=100:pg:0:::1:T,V:4242).

If an agency is also a direct recipient of FTA funds, they are responsible to FTA for Title VI compliance and PTT does not require a PTT-approved Title VI plan. However, the PTT does require documentation of FTA's plan approval.

#### Equal Employment Opportunity (EEO)

Federal transit laws (49 USC 5332(b)) provide that "no person in the United States shall on the grounds of race, color, religion, national origin, sex, or age be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any project, program or activity funded in whole or in part through financial assistance under this Act." This applies to employment and business opportunities and is considered to be in addition to the provisions of Title VI of the Civil Rights Act of 1964.

Subrecipients with more than 50 transit-related employees and who receive capital and operating assistance in excess of \$1 million or planning assistance in excess of \$250,000 must meet the EEO program requirements of FTA Circular C4704.1. Construction projects over \$10,000 are also subject to EEO requirements. While Executive Order 11246 does not require construction contractors to develop written affirmative action programs, the regulations do require and specify good faith



steps that must be taken by construction contractors to increase utilization of minorities and women in skilled trades.

### **Disadvantaged Business Enterprise Program (DBE)**

The USDOT DBE program is its most important tool for ensuring that firms competing for USDOT-assisted contracts and FTA programs are not disadvantaged by unlawful discrimination.

UDOT's Civil Rights office has an established USDOT DBE program that fulfills the requirements of 49 CFR 26. Since federal affirmative action requirements are a condition of federal financial assistance, the regulation states that all local government, USDOT-assisted federal-aid projects (over \$250,000) require a USDOT DBE program (49 CFR 26.21C).

The PTT establishes annual overall DBE goals every three years for FTA funds. A letter certifying the goal is signed by UDOT's Executive Director and submitted to the FTA Region VIII Civil Rights Liaison. The PTT reports actual awards and participation in TrAMS every six months as required by FTA.

Recipients must submit an overall DBE goal, pursuant to 49 CFR 26.49, if they receive FTA planning, capital, and/or operating assistance, and if they will award prime contracts exceeding \$250,000 in FTA funds in a FFY (exclusive of transit vehicle purchases and transit vehicle manufacturers).

### **Transit Vehicle Manufacturer (TVM)**

FTA recipients are required to include in their DBE program that each transit vehicle manufacturer, as a condition of being authorized to bid or propose on FTA-assisted transit vehicle procurements, certify that it has complied with the TVM requirements. Do not include FTA assistance used in transit vehicle procurements in the base amount from which the overall DBE goal is calculated.

Only those transit vehicle manufacturers listed on FTA's certified list of Transit Vehicle Manufacturers, or that have submitted a goal methodology to FTA that has been approved or has not been disapproved, at the time of solicitation are eligible to bid. A TVM's failure to implement the DBE Program in the manner prescribed by 49 C.F.R. 26 may result in removal from FTA's certified TVM list and the inability to bid on future FTA-assisted vehicle procurements.

An FTA recipient's failure to comply with the TVM DBE provisions may result in formal enforcement action or appropriate sanctions as determined by FTA (e.g., FTA declining to participate in the vehicle procurement).

2014 DBE regulation updates now require UDOT to report transit vehicle procurement awards. Effective November 2014, FTA recipients are required to submit, within 30 days of making an award, the name of the successful bidder and the total dollar value of the contract. Remember, only eligible TVMs may bid on FTA-assisted transit vehicle procurements. In the case of a multi-year



(no specific dollar amount) contract, recipients are required to report each order (ex. UDOT orders 10 vehicles off its contract, UDOT is required to report the total dollar amount and manufacturer).

FTA has developed an online Transit Vehicle Award Reporting Form for recipients to report the required information on transit vehicle procurement awards.

<https://www.surveymonkey.com/r/vehicleawardreportsurvey> . It is recommended that the program or procurement manager do a print screen of the the filled out survey prior to submittal. FTA provides no confirmation email/documentation of the submittal.

Previously, FTA had been collecting this information via agency letterhead; however, paper forms will no longer be accepted. For more information on the TVM program requirements, refer to the TVM webpage: <https://www.transit.dot.gov> . The link to the electronic reporting form may also be found on the list of eligible TVMs: <https://www.transit.dot.gov/regulations-and-guidance/civil-rights-ada/eligible-transit-vehicle-manufacturers>.

## **DBE Goal Setting Process**

### Step One: Determine a Base Figure

As stated in 49 CFR 26.45(c), “You must begin your goal setting process by determining a base figure for the relative availability of DBEs.”

UDOT utilized the DBE directory and Census Bureau data according to 49 CFR 26.45(c)(1) to determine a base figure. The number of DBEs in each work class was divided by the number of all businesses in that work class to derive a base figure for the relative availability of DBEs for each work class. Because some businesses are counted under multiple NAICS codes, the DBEs were also counted separately in multiple work classes. However, for the purposes of determining the number of DBEs within a single work class, a particular DBE was only counted once. For example, if ABC Concrete is a DBE that is shown under the Operating and Construction NAICS codes, they were counted in each of those different work classes. Likewise, when determining the number of DBEs for Operating and Construction work classes, ABC Concrete would be counted in both. Conversely, if ABC Concrete is shown in the DBE directory under classification A01 and A02, ABC concrete was only counted once toward Operating and once toward Construction, not twice for each.

Weighting is utilized to help ensure that the step one base figure is as accurate as possible. While weighting is not required, it makes the goal calculation more accurate. UDOT determined expected expenditures in FY2018-2020 (for the most recent DBE goal) by determining what funds are currently obligated and under contract and by looking at UDOT’s current draft POP.



The work classes have been separated into nine different classes which represent all the work classes that UDOT actively uses. Expected expenditures were summed for each work class for the goal period. A percent of expected expenditures was calculated by dividing the total amount for each work class by the total of all amounts for the work classes, less the transit vehicle amount. The percent of expected expenditures for each work class was then multiplied by the DBE relative availability for each work class to determine a weighted availability for each work class. The following formula describes the base figure calculation for each work class:

$$\left\{ \frac{\text{Work Class DBEs}}{\text{Work Class total businesses}} \right\} \times (\text{percentage of total expenditures for three year goal period in that Work Class})$$

The weighted base figures for each work class were summed to determine the final step one base figure of 3.07 percent.

#### Step Two: Determine Necessary Adjustments

As stated in 49 CFR 26.45(d), "Once you have calculated a base figure, you must examine all of the evidence available in your jurisdiction to determine what adjustment, if any, is needed to the base figure in order to arrive at your overall goal."

Current Capacity (49 CFR 26.45(d)(1)(i)) "The current capacity of DBEs to perform work in your DOT-assisted contracting program, as measured by the volume of work DBEs have performed in recent years."

UDOT considered past and current contracting practice in the goal setting process. The FTA Program awards funds to subrecipients to assist in their respective programs. In many cases, this involves providing capital funds for planning or mobility management activities. These funding amounts are relatively small and typically less than \$100,000. In other cases, this involves providing non-capital funds for operating or project administration activities. In both cases, it is standard practice in this market area for these activities to be performed by the subrecipients own forces and no work is subcontracted out. This is logical for subrecipients such as association of governments whose main activity is planning or for subrecipients such as transit service providers who already have their own drivers or maintenance crews.

UDOT interprets the intent of 49 CFR 26.51 to limit race and gender conscious goals to contracts with subcontracting opportunities. This does not prevent race and gender neutral participation from prime contractors; however, no association of governments or transit service providers funded by UDOT are certified DBEs in Utah. Therefore, UDOT believes it is consistent with 49 CFR 26.45 and 26.51 to adjust our overall goal for these factors. While this factor is not specific to the capacity of DBEs, it is a capacity limitation of the nature of the UDOT FTA Program.



Past participation was also considered in the adjustment of our base figure. UDOT compiled DBE participation values from the past five years and calculated the median participation value.

The final step is to consider the base figure and adjusted figure to determine a final DBE goal percentage. UDOT considers both adjustments applicable and believes this reflects the current DBE and contracting environment. Based on the methodology and calculations, UDOT has determined its overall DBE goal for FY2018-2020 to be **0.42 percent** of the total FTA funds UDOT will expend on FTA-assisted contracts, not including transit vehicle purchase contracts.

#### Calculating Race and Gender Neutral / Conscious Split

Past DBE participation and inability to meet past goals are being considered together to determine the race and gender neutral and conscious split. It also demonstrates our inability to meet our previously established overall goal. Because our proposed goal is significantly reduced from past years, it is not reasonable to rely solely on conscious means. Therefore, UDOT has determined it is reasonable to expect similar neutral participation as in previous years and splits the goal into 19 percent neutral and 81 percent conscious.

Thus, the proposed goal is split into 0.08 percent race and gender neutral and 0.34 percent race and gender conscious.

UDOT will continuously monitor DBE participation in the FTA Program to determine if the DBE goal will be met on an annual basis and apply race and gender conscious goals appropriately.

#### Public Outreach, Published Notice, and Comments

Pursuant to 49 CFR 26.45(g)(2), UDOT will publish a notice announcing the proposed overall goal, informing the public that the proposed goal, funding amount and the calculation methodology are available for inspection during normal business hours at the principal office for 30 calendar days following the date of the notice, and informing the public that UDOT will accept comments on the goal for 45 calendar days from the date of the notice. The notice will include an address to which comments may be sent.

The notice should read:

#### ***Utah Department of Transportation FTA Program Public Notice:***

*UDOT is currently developing their FFY20XX through 20XX Disadvantaged Business Enterprise (DBE) goal for its FTA Program. The proposed DBE goal and methodology can be found on UDOT's website at [www.udot.utah.gov/publictransit](http://www.udot.utah.gov/publictransit) under the Hot Topics and Quick Links section. It is titled "UDOT FTA DBE FY20XX–20XX Proposed Goal and Methodology." A hard copy is available for review at UDOT Planning and Investment, 4501 S 2700 W, 3rd Floor, Salt*



*Lake City, UT. Comments may be provided to UDOT via email at [publictransit@utah.gov](mailto:publictransit@utah.gov) or via mail addressed to UDOT Planning and Investment, Attn: Public Transit Plans and Programs Director, 4501 S 2700 W, P.O. Box 143600, Salt Lake City, UT 84114-3600. Please include the page number, section number, and a detailed comment with your submission. The document will be available for review from XXX, through and including XXX, and comments will be accepted through XXX. Only comments related specifically to the DBE goal and the development of the goal will be accepted. All other UDOT or DBE-program related comments should be directed to the appropriate contact provided on the main UDOT website.*

The notice will be sent to all the currently approved contractors with UDOT utilizing the contractor list serve. This includes all DBEs that UDOT currently has email addresses for. In addition, UDOT will also publish the notice in the following mediums:

- UDOT Twitter
- UDOT Facebook
- UDOT Blog
- Utahlegals.com

### **DBE Goal Setting on Projects**

To meet the DBE goal on a FFY basis, the UDOT FTA Program is currently following these steps for assigning contract goals:

- Review the status of DBE awards and participation to date in the applicable FY and determine if the program is projected to be under or over our overall goal. If the program is projected to be under our overall goal, proceed with the next steps. If the program is projected to meet the overall goal, only race and gender neutral means are used.
- Receive detailed project scope and budget information from the prime contractor (subrecipient). Each activity line item must be identified as being self-performed or subcontracted.
- Review the scope, budget, and list of subcontracted line items and compare it to the current DBE directory to identify DBE opportunities.
- Evaluate the DBE availability and the overall percent of DBE opportunity compared to the total contract amount and apply a race and gender conscious DBE goal.



## **Section 504 and the ADA**

### **Vehicles**

Titles II and III of the ADA provide that no entity shall discriminate against an individual with a disability in connection with the provision of transportation service. The law sets specific requirements for vehicle and facility accessibility and the provision of service, including complementary paratransit service.

The PTT and subrecipients comply with Section 504 of the Rehabilitation Act of 1973 and the ADA by assuring that no individual is discriminated against in connection with the provision of transportation service. Complaints are handled according to the program complaint procedures described in Section 3.1 of this document. The PTT must ensure that subrecipient-purchased or remanufactured vehicles comply with ADA requirements. In the ADA, 49 CFR 37 and 38 contain accessibility standards and specific requirements for the acquisition of accessible vehicles for public and private entities. PTT policy prohibits the purchase with federal funds of any vehicles that do not comply with ADA. Regardless of service type or whether the vehicle is new or used, all vehicles purchased must be ADA accessible. PTT policy prohibits the conversion of ADA-specific vehicles—purchased for 5310, 5311, 5316, 5317 and 5339 uses—to be used as general-purpose vehicles. When purchasing a vehicle through Section 5310, 5311 or 5339, strict adherence to the ADA is followed in specifications and procurement of equipment.

### **Facilities**

The PTT must ensure that subrecipients comply with ADA requirements when constructing or altering a facility. Any new facility to be used in providing public transportation services must be ADA accessible. If the subrecipient alters an existing facility to be used to provide public transportation, the altered portions of the facility must be accessible. When the nature of an existing facility makes it impossible to comply fully with accessibility standards, the alterations must be made accessible to the extent feasible.

The PTT must obtain documentation sufficient to support that it has made the facility accessible to the maximum extent feasible or that alterations required to increase feasibility were disproportionate to the level of the alteration.

### **Complementary Paratransit**

The ADA requires public transit agencies that provide fixed-route service to provide “complementary paratransit” services to people with disabilities who cannot use the fixed-route bus or rail service because of a disability. The ADA regulations specifically define a population of customers who are entitled to this service as a civil right. The regulations also define minimum



service characteristics that must be met for this service to be considered equivalent to the fixed-route service it is intended to complement.

In general, ADA complementary paratransit service must be provided within three-quarters of a mile of a bus route or rail station, at the same hours and days, for no more than twice the regular fixed-route fare.

While the transit agency is required to provide paratransit for trips with origins and destinations within three-quarters of a mile of a route/station, paratransit-eligible customers who are outside the service area could still use the service if they are able to get themselves into the service area.

### **Demand-Responsive Service**

Demand-response transit service is comprised of vehicles operating in response to calls from passengers or their agents to the transit operator, who then dispatches a vehicle to pick up the passengers and transport them to their destinations. A demand-response operation is characterized by the following:

- The vehicles do not operate over a fixed route or on a fixed schedule, except, perhaps, on a temporary basis to satisfy a special need.
- Typically, the vehicle may be dispatched to pick up several passengers at different pick-up points before taking them to their respective destinations and may even be interrupted en route to these destinations to pick up other passengers.

Route deviation and point deviation systems are defined as demand-response systems, which do not require ADA complementary transit. One key factor to consider in determining if a transit system is fixed route or demand responsive is if an individual has to request the service. To be considered demand responsive, the service must deviate for the general public as well as those with disabilities. The PTT must ensure that deviated fixed-route service provided by subrecipients has the characteristics of demand-responsive service.

### **Reasonable Modification of Policies and Practices**

FTA ADA Circular C4710 (November 4, 2015) requires public transportation providers to make reasonable modifications to their policies, practices, and procedures to avoid discrimination and ensure programs and services are accessible to individuals with disabilities. It applies to public entities providing fixed route, demand-response (dial-a-ride), and complementary paratransit services. It establishes that an individual's disability cannot preclude a public transportation entity from providing full access to its service, except when it would fundamentally alter the service.

The responsibility of entities to make requested reasonable modifications is not without some limitations. There are four classes of situations in which a request may legitimately be denied:



1. The request would fundamentally alter the entity's services, programs, or activities.
2. The request would create a direct threat to the health or safety of others.
3. Without the requested modification, the individual with a disability is able to fully use the entity's services, programs, or activities for their intended purpose.
4. The request would cause an undue financial and administrative burden.

Examples of an eligible and ineligible reasonable modification may include:

- **Snow and ice** - passenger's request for a paratransit driver to walk over a pathway that has not been fully cleared of snow and ice should be granted so that the driver can help the passenger with a disability navigate the pathway.
- **Pick up and drop off** - the paratransit operator should pick up and drop off the passenger at the entrance requested by the passenger, rather than meet them in a location that has been predetermined by the transportation agency, assuming that doing so does not involve a direct threat.
- **Private Property** - The paratransit operator should make every reasonable effort to gain access to private property (e.g., work with the passenger to get the permission of the property owner to permit access for the paratransit vehicle).
- **Obstructions** - A passenger's request for a driver to position the vehicle to avoid obstructions to the passenger's ability to enter or leave the vehicle at a designated stop location, such as parked cars, snow banks, and construction, should be granted so long as positioning the vehicle to avoid the obstruction does not pose a direct threat.
- **Fare Handling** - A passenger's request for transit personnel (e.g., the driver, station attendant) to handle the fare media when the passenger with a disability cannot pay the fare by the generally established means should be granted on fixed route or paratransit service (e.g., in a situation where a bus passenger cannot reach or insert a fare into the farebox).
- **Eating and Drinking** - If a passenger with diabetes or another medical condition requests to eat or drink aboard a vehicle or in a transit facility in order to avoid adverse health consequences, the request should be granted, even if the transportation provider has a policy that prohibits eating or drinking.
- **Medicine** - passenger's request to take medication while aboard a fixed route or paratransit vehicle or in a transit facility should be granted. For example, transit agencies should modify their policies to allow individuals to administer insulin injections and conduct finger stick blood glucose testing.
- **Boarding Separately From Wheelchair** - A wheelchair user's request to board a fixed route or paratransit vehicle separately from his or her device when the occupied weight of the device exceeds the design load of the vehicle lift should generally be granted.



- **Dedicated Vehicles or Special Equipment in a Vehicle** - A request for special equipment (e.g., the installation of specific hand rails or a front seat in a vehicle for the passenger to avoid nausea or back pain) can be denied so long as the requested equipment is not required by the Americans with Disabilities Act or the Department's rules.
- **Outside of the Service Area or Operating Hours** - A person's request for fixed route or paratransit service may be denied when honoring the request would require the transportation provider to travel outside of its service area or to operate outside of its operating hours. This request would not be a reasonable modification because it would constitute a fundamental alteration of the entity's service.
- **Exposing Vehicle to Hazards** - If the passenger requests that a vehicle follow a path to a pick up or drop off point that would expose the vehicle and its occupants to hazards, such as running off the road, getting stuck, striking overhead objects, or reversing the vehicle down a narrow alley, the request can be denied as creating a direct threat.
- **Intermediate Stops** - The PTT views granting a paratransit passenger's request for a driver to make an intermediate stop, where the driver would be required to wait, as optional.
- **Personal Care Attendant (PCA)** - A personal care attendant (PCA) is, "someone designated or employed specifically to help the eligible individual meet his or her personal needs." A PCA typically assists with one or more daily life activities such as providing personal care, performing manual tasks, or providing assistance with mobility or communication. PCA assistance is not always needed during a complementary paratransit trip itself; because of the nature of typical PCA functions, it is most likely the services provided by a PCA would be required throughout the day at the passenger's destination.  
PCA's are sometimes family members or friends. In some instances, PCA's are other individuals with a disability. This might be an individual with a physical disability who assists someone with a vision disability or who accompanies an individual with an intellectual disability who cannot travel independently.
- **Caring for Service Animal** - A paratransit or fixed route passenger's request that the driver take charge of a service animal may be denied. Caring for a service animal is the responsibility of the passenger or a PCA.
- **Opening Building Doors** - For paratransit services, a passenger's request for the driver to open an exterior entry door to a building to provide boarding and/or alighting assistance to a passenger with a disability should generally be granted as long as providing this assistance would not pose a direct threat, or leave the vehicle unattended or out of visual observation for a lengthy period of time

### 3.2 Omnibus Transportation Employee Testing Act

The Omnibus Transportation Employee Testing Act of 1991 mandated the Secretary of Transportation to issue regulations to combat prohibited drug and alcohol misuse in the transportation industry. These rules are encompassed in 49 CFR 655, Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations.



### **3.3 Clean Air and Clean Water Acts**

For contracts over \$100,000, clauses are included in each contract requiring adherence to the Clean Air and Clean Water acts.

### **3.4 Labor Protections**

FTA includes labor protection clauses in contracts relating to operations, rolling stock procurement, and construction.

### **3.5 Buy America**

It is important to note there are differences between the Buy America Act and the Buy American Act. The Buy America Act does not recognize trade agreements and is more stringent than the latter. For FTA-funded projects, the Buy America regulations apply not only to steel and iron, but also to manufactured products.

Buy America regulations require that all steel, iron and manufactured products used in the project are produced in the United States. Solicitations for steel, iron and manufactured products must contain a Buy America certification unless the procurement is subject to a general waiver or is below the small purchase threshold of \$150,000. The Buy America Statute applies to:

- All purchases of steel, iron and manufactured products greater than \$150,000, regardless of whether they involve capital, operating or planning funds
- Contractors and subcontractors if the contract or subcontracts is more than \$150,000
- Purchases made using intergovernmental agreements or jointly purchased products
- Purchases of used items

### **3.6 Pre-Award and Post-Delivery Audits**

As a condition of receiving FTA funds for the purchase of rolling stock, UDOT must certify compliance with Buy-America and the pre-award and post-delivery audit requirements. If the procurement is completed by an eligible entity, all pre and post-delivery documentation must be submitted and approved by UDOT prior to reimbursement. For additional information see:

- UDOT Procurement Guide: <http://www.udot.utah.gov/main/f?p=100:pg:0:::1:T,V:3209>
- Conducting Pre-Award and Post Delivery Audits for Rolling Stock Procurements (FTA): <https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/regulations-and-guidance/buy-america/58191/buy-america-handbook-rpt0106.pdf>

#### **Pre-award Certification (before contract award)**

UDOT is responsible for obtaining the pre-award Buy America Certification, Purchasers Requirement Certification and the Federal Motor Vehicle Safety Standards (FMVSS) certification. Pre-award review is required for Buy America compliance. Information submitted from the manufacturer in a bid response includes:



- Manufacturer certifies the proposed domestic content of vehicle components meets the 60 percent United States content requirement in the United States. The Fast Act increased the domestic percentage incrementally. The scheduled changes are as follows:
  - FY 2017- 60% domestic content
  - FY 2018/2019 – 65% domestic content
  - FY 2020 – 70% domestic content
- Proposed final assembly location.
- Manufacturing activities that will take place during final assembly.
- Recipients must keep on file its certification that it received a copy of the manufacturer's self-certification information that the vehicle complies with the relevant FMVSS or a copy of the manufacturer's self-certification that the vehicle is not subject to the FMVSS.

### **Post-delivery review**

Post Delivery requirements (after manufacturing) for the PTT include:

- Review actual component content to ensure that the vehicle meets the 60 percent Buy America domestic content requirement. The Fast Act increased the domestic percentage incrementally. The scheduled changes are as follows:
  - FY 2017- 60% domestic content
  - FY 2018/2019 – 65% domestic content
  - FY 2020 – 70% domestic content
- Check that the final assembly location is in the United States and the manufacturer's final assembly activities meet the requirements.
- Have an on-site inspector for rail car procurements and bus procurements of greater than 10 vehicles.
- Recipients must keep on file its certification that it received a copy of the manufacturer's self-certification information that the vehicle complies with the relevant FMVSS or a copy of the manufacturer's self-certification that the vehicle is not subject to the FMVSS.

## **3.7 Charter and School Bus Service**

PTT policy prohibits the use of federally funded equipment for charter or school bus service. Exceptions to the federal regulations are not recognized and may not be used to permit service.

## **3.8 Drug and Alcohol Testing**

Drug and alcohol testing is required for 5311 service operators. Section 5310 recipients and subrecipients that also receive funding under one of the covered FTA programs (Section 5307, 5309, or 5311) should include any employees funded under Section 5310 projects in their testing program. Service operators are required to establish and implement a drug and alcohol testing



program. The PTT has contracted with a specialist to provide drug and alcohol oversight and compliance.

### **3.9 Restrictions on Lobbying**

For all contracts over \$100,000, subrecipients are required to sign and submit the Certification Regarding Lobbying.

### **3.10 Government-wide Debarment and Suspension**

Both the direct recipient and subrecipient are required to verify that the contractor or subcontractor is not excluded or disqualified. The direct recipient is required to confirm the status of the subrecipient on <https://www.sam.gov>. The subrecipient is also required to submit certification stating that they are not disqualified.

### **3.11 Pre-Award Authority**

Pre-award authority means authority given under specific and limited circumstances to incur costs for eligible project activities (before the Federal Award Date), without prejudice, to possible federal participation in the cost of those project activities. Applicants must comply with all applicable federal requirements. Failure to comply with applicable state and Federal requirements will render those project costs or, in certain cases, the project in its entirety, to be ineligible for FTA assistance.

### **3.12 Federal Motor Carrier Safety Regulations (FMCSR)**

Subrecipients should be aware that Federal Motor Carrier Safety Regulations (FMCSR) apply to a wide spectrum of vehicles, not only vehicles carrying cargo across state lines. The State of Utah has adopted the FMCSR; therefore, all subrecipients must comply with these regulations. If a vehicle has a GVWR over 10,000 pounds or carries 16 or more passengers including the driver, a Class C Commercial Driver's License (CDL) is required and FMCSR likely applies. Subrecipients must be familiar with FMCSR. An entity is required to obtain a USDOT number if they have a vehicle that:

- Has a gross vehicle weight rating or gross combination weight of 10,001 pounds or more.
- Is designed or used to transport more than eight passengers (including the driver) for compensation.
- Is designed or used to transport more than 15 passengers, including the driver, and is used to carry passengers not for compensation.

Although UDOT's Motor Carrier Division performs their own inspections and the PTT is not specifically responsible for ensuring compliance with these regulations, the PTT reserves the right to question subrecipients on FMCSR compliance. The home page for the Federal Motor Carrier Safety Administration (FMCSA) is: [www.fmcsa.dot.gov/](http://www.fmcsa.dot.gov/).



### **FTA Certifications and Assurances**

Subrecipients are required to submit Certifications and Assurances on an annual basis, including those with vehicles whose liens have not been released. The PTT submits Certifications and Assurances to FTA annually and these are incorporated into the contract agreements with subrecipients by reference. Therefore, subrecipients are responsible for complying with the requirements of these Certifications and Assurances and must be familiar with them.

### **3.13 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards**

The OMB Circular No. A-133, retitled Audits of States, Local Governments, and Non-Profit Organizations, establishes uniform audit requirements for non-federal entities that administer federal awards and implements the Single Audit Act Amendments of 1996, which were signed into law on July 5, 1996 (Public Law 104-156). OMB Circular No. A-128, Audits of States and Local Governments, issued in 1985, is rescinded, as a result of the consolidation of audit requirements under Circular No. A-133.

## **CHAPTER 4. PROGRAM POLICIES AND PROCEDURES**

The state must be able to use sound management practices to manage the FTA-funded programs in accordance with the grant application, FTA Master Agreement, and all applicable laws and regulations.

FTA gives each state the maximum discretion permitted by law in designing and managing the programs to meet passenger needs under FTA programs. The state develops program standards, criteria, procedures, and policies for the FTA programs. This chapter addresses the PTT's management and administrative policies and procedures. See Appendix A for the PTT calendar of annual activities and required reporting outlined in the document below.

### **4.1 Project Development and Approval**

#### **Required Coordination for the 5304 and 5310 Programs**

Both the 5304 and 5310 programs require coordination and development of a local plan. The 5310 program requires projects to be identified in a coordinated public transit-human service transportation plan (coordinated plan) developed by a lead local agency (the PTT has designated AOGs as the local planning agency). However, if the need for an additional lead local agency is



necessary, the PTT will take this into consideration. As an example, Tooele County has produced their own coordinated plan, resulting in a 5310 funded program. PTT's role in the coordinated planning process is to ensure that FTA coordination requirements are met and that adequate technical assistance is provided, when requested. To meet the planning requirements of both programs, the locally developed coordinated plan should incorporate the following elements:

- A stakeholder committee that is representative of targeted populations and transportation providers in the region
- List of all human service providers in the region
- Public participation in the coordinated plan
- Title VI Outreach/participation
- An inventory of existing vehicles within the region (including non-FTA funded)
- An assessment of available services that identifies current transportation providers (public, private, and non-profit)
- An assessment of transportation needs for individuals with disabilities and seniors
- Strategies and activities and/or projects to address existing service and identify gaps/needs in service
- Project prioritization/selection process and criteria
- Priorities for implementation (i.e., a list of projects and activities, feasibility, year, etc.)

The process for adoption of the coordinated plan is determined by the lead local agency with input from the coordinated plan development participants. The PTT requires that the local adoption process involve coordinated plan development participants. The PTT plays no other role in the local adoption process.

The PTT provides guidance to the lead local agency on the minimum requirements of the coordinated plan process to ensure projects are eligible for FTA program funding. Only projects that address needs identified in local coordinated plans are eligible for funding through the Section 5310 program. Though encouraged to do so, 5311 and 5339 projects are not required to be part of the coordinated plan. They do, however, need to be part of the state STIP and long range plan.

Multiple forms of coordination are related to the project development process, which is outlined below. The PTT will host pre-application and planning workshops upon request. At the beginning of each annual PTT project development and grant-making cycle, the PTT may host a regional workshop for potential subrecipients. The objective of a workshop is to:

- Build on the momentum of recent coordination planning efforts
- Bring potential applicants together to collaborate on their respective applications for FTA funding
- Create additional opportunities for coordination to be integrated into new applications for FTA funding



- Collaboratively review the outcome of recent coordination planning efforts with potential applicants, including a review of the needs, strategies, and priorities identified at the local level
- Ensure subrecipients are aware of and meet all Title VI/Civil Rights requirements
- Enhance the seamlessness of the transition from the coordination planning process to the annual PTT project development and grant-making process

The PTT includes clauses in subrecipient agreements that require vehicle use to follow the SMP, which allows other eligible agencies to use subrecipient vehicles during designated non-use periods. In addition, the PTT has established selection criteria that favor projects with a high degree of coordination.

### **Section 5311 and 5339 PTT Provider Coordination**

The PTT requires that all fixed-route providers have an adopted capital improvement plan identifying capital projects, approximate costs, and the year of implementation. The PTT will hold a meeting with the providers annually to review the list of priorities, ensure that all parties are in agreement with the funding schedule, and approve projects to be on the STIP.

### **Project Development Process**

As a pass-through of FTA funds, the PTT manages a multi-step process that ranges from the announcement of funds to contracting with subrecipients. This process includes the following steps, which are described in detail below:

1. Announcement of funds
2. Applicant letter of intent (LOI)
3. Application process
4. Project award
5. Development of a Program of Projects
6. Contract agreements

### **Announcement of Funds**

The grants administered by the PTT follow an annual funding cycle (see tables 4.1 and 4.2). This cycle is subject to change depending upon the timing of apportionments, new transportation bills, and other items beyond the control of the PTT. Each year's funding cycle begins with a project development process that is initiated by an announcement of the availability of FTA funds. This announcement is sent to each agency listed in the PTT's database of transportation providers, non-profit organizations, and local government agencies. The announcement is also posted on UDOT's website. Upon request from agencies and before the announcement of funds, the PTT may hold planning workshops that are conducted in each of the state's AOGs. These workshops offer an opportunity for the PTT to interact with potential subrecipients, answer any questions regarding the grant programs, and offer training in other topics. The workshops also serve as an opportunity for improved coordination among proposed projects.



**Table 4.1: UDOT PTT 5310 Application Review Schedule\***

Beginning	Ending	Task	# of Days to Complete
Sept. 1		Announcement of funds	-
Sept 1	Oct 1	Agencies complete LOI to apply in PTT online	30 days
Oct 1	Oct 15	PTT reviews LOIs	15 days
Oct 15	Nov 15	Agencies complete applications in PTT online	30 days
Nov 15	Dec 1	PTT works with applicants and reviews applications	15 days
Dec 1	Jan 15	AOGs review applications and prioritizes local projects	45 days
Jan 15	Feb 15	PTT scores and prioritizes applications	30 days
Feb 15	Mar 1	UDOT PTT prioritizes projects and awards project funds	14 days
Mar 1		Utah Transportation Commission approval of draft STIP	

\*Note: These dates are subject to change based on holidays, weekends, etc.

**Table 4.2: UDOT PTT 5311 and 5339 Application Review Schedule\***

Beginning	Ending	Task	# of Days to Complete
Sept 1		Announcement of funds	-
Sept 1	Oct 1	Agencies complete LOI to apply in PTT online	30 days
Oct 1	Oct 15	PTT reviews LOIs	15 days
Oct 15	Nov 15	Agencies complete applications in PTT online	30 days
Nov 15	Dec 1	PTT works with applicants and reviews applications	15 days
Dec 1	Jan 15	PTT and agencies review funding	45 days
Jan 15	Mar 1	PTT reviews budget and approves projects	45 days
Mar 1		Utah Transportation Commission approval of draft STIP	

\*Note: These dates are subject to change based on holidays, weekends, etc.

### Request for Letter of Intent (LOI)

The LOI request is the official kickoff of the application process. The PTT has separate applications for 5310, 5310 Mobility Management, 5311, 5311 JARC and 5339. An LOI to apply for applicable funding is required by all applicants to announce the agency's interest in applying for funds and to assist in screening eligible applicants. LOIs are submitted via the PTT online system and can be accessed via existing subrecipient PTT online accounts or at:

<http://www.udot.utah.gov/main/f?p=100:pg:0:::1:T,V:3269>. The purpose of the LOI is to review a basic project description prior to the application process to ensure that it is potentially eligible for



funding. Those interested are invited to visit PTT online to submit their letter. Key steps involving the LOI include the following:

- 1) PTT announces timeline for entire application process
  - a. Send announcement to mobility managers and current and possible subrecipients around the state (utilizing PTT online database)
- 2) September 1 – LOI public notification (not limited to the following)
  - a. Post on the website
  - b. Distribute to e-mail list
  - c. Other means, as deemed necessary
- 3) 30-day response period (ending October 1)
- 4) PTT closes LOI submittal page on PTT online
- 5) 14-day LOI review and approval process
  - a. Review all LOIs and approve to begin the application process or send back for revisions
- 6) The PTT approves the eligible project and agency for the online application process
- 7) Program Manager sends the Designation of Signature Authority request (if not already in the system or if a subrecipient wants to change signature authority)
- 8) Subrecipient submits the letter with the approved signatory designation
- 9) Program Manager generates a PIN in PTT online to be utilized as the application signature
- 10) Program Manager sends e-mail with username, password, and link to PTT online

### **Application Process**

Each applicant that successfully completes the LOI and passes the initial threshold criteria is provided instructions on how to complete an application for applicable funding on PTT online. Applicants are advised to contact the PTT should they require additional information or direction to properly complete the application. PTT staff provides on-site training and assistance upon request. To be eligible for funding, agencies must have an PTT-approved Title VI plan. See Section 3.1 of this document for Title VI requirements and more details.

Following the application deadline, the PTT conducts a competitive selection process to determine which projects are to be chosen for financial assistance. Funding line items are incorporated into the TIP or STIP, as applicable. In urban areas with populations of 50,000 or more, projects are included in the TIP. In non-urbanized areas with populations less than 50,000, projects are included in the STIP. In areas where the coordinated plan or competitive selection process is not completed in a time frame that coincides with the development of the TIP/STIP, the TIP/STIP amendment process is used to include competitively selected projects in the TIP/STIP before the FTA grant award. Project approval is finalized when the Utah Transportation Commission reviews and



approves the STIP and FTA accepts the commission's approval. The application process includes the following key points:

- The application page on PTT online is open for approximately 30 days.
- The Program Manager reviews for completeness, accuracy, and eligibility.
  - Applications lacking these qualities are sent back for clarification or revisions.
- The following PTT guidance is allowed:
  - If application is incomplete or project is not eligible, the PTT sends the application back to the applicant and explains the reasoning for the decision.
  - The PTT may assist in fixing inconsistencies in information provided, i.e., clarifying information.
  - The PTT does not help with project development or the quality of an application.

### **Application Review Process**

The PTT has established a competitive selection process for selecting projects and distributing funds among applicants applying for Section 5310 program. The competitive selection process is divided into five sequential steps:

1. **Threshold Criteria:** Threshold criteria are minimum requirements all applicants must meet to be considered for funding:
 

<ol style="list-style-type: none"> <li>a. Applicants must submit complete applications on time.</li> <li>b. Applicants must be eligible subrecipients for the grant program under which funds are requested.</li> <li>c. Applicants must document that the local cash match will be available (in-kind is not accepted).</li> <li>d. The application must include an eligible service and be covered under one of the eligible assistance categories.</li> <li>e. For applicants seeking funding from the Section 5310 program it must be demonstrated that the project is included in the appropriate locally developed coordinated human service transportation plan.</li> <li>f. Applicants do not have to have an approved Title VI plan at time of application; however if funding is awarded, a Title VI plan will be required prior to contracting.</li> </ol>	<p style="text-align: center;"><b>Evaluation Criteria</b></p> <ol style="list-style-type: none"> <li>1) Thoroughness of Application</li> <li>2) Ability to manage the entire program</li> <li>3) Regional Ranking</li> <li>4) State Rankings</li> <li>5) Past compliance with program requirements</li> </ol>
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2. **Regional Review:** The PTT forwards eligible applications to the respective regional planning agency for prioritization. Projects that serve multiple regions are reviewed by each region served. The review process and criteria used for review are determined by



each individual region and advertised through public notices. The region evaluates all of the applications and forwards them to the PTT.

3. PTT Review: After receiving evaluations from each region, the PTT conducts its own evaluation and review based on established criteria. The resulting weighted scores are summed to produce a final score for each application. Applications are evaluated by the Program Managers, Compliance Officer, and Director, and final proposed awards are prepared for commission approval.
4. PTT Risk Management Worksheet: Prior to finalizing awards, UDOT will perform a risk assessment, utilizing the risk assessment worksheet (found in Appendix D), to evaluate awardees. The purpose is to review the operational status and compliance history for each subrecipient to understand the depth of risk and additional oversight required.
5. The Utah Transportation Commission approves final funding awards. The PTT publishes a list of selected projects following the competitive selection process posted on the PTT website at: [www.udot.utah.gov/publictransit](http://www.udot.utah.gov/publictransit).

Completed LOIs and applications are required for both the 5311 and 5339 programs. However, the approval process differs from the same steps outlined above for 5310. The 5311 and 5339 funding is not considered competitive, and an AOG review and ranking is not necessary. The PTT works directly with the providers in an annual meeting to review capital and operating needs and to determine the year in which projects will be identified on the STIP.

Section 5311(f), Intercity Bus, follows does not follow the same annual process. As demand and funding allow, the PTT works with UDOT's Procurement office to administer a request for proposals (RFP) and to select an operator best suited for the specific route(s).

The PTT has adopted policies and procedures to ensure that the competitive selection process is conducted in an open and transparent manner, resulting in a fair and equitable distribution of funds among agencies across the state, including tribal governments and other entities servicing Native Americans. This does not mean that the selection process will result in an equal allocation of resources among projects or communities. Instead, equitable distribution refers to equal access to, and equal treatment by, a fair and open competitive selection process. The following tasks are completed as part of the competitive selection process:

- Section 5310 applications are prioritized at the local AOG/MPO level, then sent to UDOT for final scoring and prioritization.
- UDOT provides final weighting and scoring (and posts scoring criteria with weighting on the PTT website), including the following:
  - Ensures AOG/MPO process is included in the weighting
  - Ensures score sheet is prepared and includes proposed list of projects
  - Completes business entity search to confirm 501 (c)(3) status:



- <https://secure.utah.gov/bes/>
  - Updates status annually
  - If not yet complete, has business complete immediately
  - If it remains incomplete, application is not approved
  - Documents that the subrecipient is not on the U.S. General Services Administration Debarment and Suspension list:
    - [www.sam.gov](http://www.sam.gov) (subrecipient must be registered under the correct legal name)
- UDOT conducts subrecipient risk assessment. (See Appendix D for Risk Assessment form)
  - Purpose of the risk assessment is to determine UDOT's risk in funding a specific subrecipient. The assessment includes review of the following:
    - Grant history/FTA experience
    - Financial capability
    - Personnel experience
    - Compliance and reporting
    - Proper use of assets
  - Based on the result of the risk assessment, UDOT may choose not to fund a subrecipient or will choose the appropriate level of compliance oversight.

### **Awarding/Obligating Funds**

- The Utah Transportation Commission approves recommended program of projects as part of the draft STIP in April, which is then sent to FTA in August for review and approval.
- FTA approves the STIP October 1.
- Upon the commission's approval of the draft STIP, award letters are sent to successful applicants.
- Once funding is appropriated for the year, the Program Manager completes the following:
  - Negotiates project budget with the subrecipient
  - Reviews PTT subrecipient requirements with recipient
  - Identifies scope and activity line items
  - Prepares a narrative for each scope and activity line item
  - Prepares a summary of each agency project
  - Creates the POP
  - Enters FTA funding application into FTA's web-based grant management system:
    - Once the application is entered into FTA's web-based system, the Program Manager attaches all relevant documents (those listed above), creates a PDF, and saves it to the server.
    - FTA reviews and approves the submittal (which may take up to 60 to 90 days).
    - The PTT Director "PINs" the approved award (i.e., generates a PIN that operates as a signature).



## **Annual POP**

The POP identifies the subrecipients and projects for which UDOT is applying to FTA for financial assistance. The POP must be identical to, or consistent with, listings contained in the STIP and TIP. The POP submitted to FTA for approval includes the following:

- List of the subrecipients (identify if they are governmental authorities, private non-profit agencies, private providers of transportation services, or Indian tribal governments)
- Brief description of each project
- The page number in the coordinated plan referencing the specific project (5310 only)
- Total project cost, federal and local shares
- Indication of whether a project is a capital or operating expense (5130 and 5311), or an administrative expense (5311 only)
- Identification of which projects meet the 55 percent minimum for traditional 5310 funds (5310 only)

## **Contract Agreement Execution**

The PTT may hold a meeting with the subrecipient prior to executing a contract agreement to address questions and discuss the contract agreement. (Refer to the Contract Agreements section below.) The PTT has implemented an electronic signature process through Adobe Sign for execution of new contracts, which is as follows:

- The PTT Financial Program Manager sets up a contract in Adobe Sign and assigns participants for each signature or review needed for contract.
- Contract is e-mailed for review and signatures.
- Once all approvals/signatures are obtained, contract is executed by the Comptroller's office, with a date and contract number.
- Each participant will receive a completed copy of the executed contract via e-mail for printing and/or electronic filing; while others involved will receive a carbon copy of the executed contract as needed.
- A copy of the executed contract is filed in PTT online and in the subrecipient's electronic file by the Financial Program Manager.

## **Distribution of Excess or Previous Year(s) Funding**

- If funding from a previous year is not fully allocated, the PTT makes these funds available to agencies that applied for those funds but were not awarded them during the first review process. An agency must be in good standing with the PTT, without compliance issues, to be eligible for funds.
- The funds are made available to the agencies in order of their prioritization from the first review process.



- If the first agency refuses funds, the agency with the next highest application prioritization is offered the funds. This process continues until all funds are awarded.
- If unable to award as listed above, funds will be re-advertised in the next application process.
- Excess funds from an FTA award/apportionment may be advertised during the regular application process, and eligible agencies may apply for those excess funds.
- Any project awards made outside of the annual application cycle totaling more than \$500,000 must go back to the Utah Transportation Commission for approval.

### **Contract Agreements**

The PTT requires written agreements between subrecipients and UDOT. These agreements include all required federal clauses and certifications either incorporated in their entirety or by reference. State procurement policy prohibits the use of pre-award authority.

The PTT has developed contract agreement boilerplates to be used as the starting point for agreements with subrecipients. Each formula grant section has a boilerplate tailored to the PTT's eligible activities. The boilerplates are not specific to the procurement type or project amount; however, it is not PTT policy to apply federal requirements when not required. Federal clauses that do not apply to specific projects because of the procurement type, project activity, or project amount do not apply to the project, even though they are included in the agreement. For example, a project totaling less than \$150,000 is not subject to Buy America. Although the clause is included in the boilerplate and agreement, it does not apply to the project and the subrecipient may disregard those requirements.

Prior to agreement signing, the PTT may require a meeting with the subrecipient, Program Manager, and PTT Compliance Officer. The meeting may be waived by the PTT if in agreement with the subrecipient, and if the subrecipient has demonstrated adequate managerial, technical, and financial capacity on past FTA-funded projects. The purpose of the meeting would be to address any subrecipient questions and review PTT's expectations, policies, and procedures. Discussion topics include, but are not limited to, the following:

- Subrecipient questions pertaining to the project
- Match requirements
- Documentation of ongoing operating funds
- Reporting requirements
- Procurement requirements
- Grant administration
- Project/program management
- Financial management
- Asset management
- Civil Rights/Title VI
- Equal Employment Opportunity (EEO)
- Disadvantaged Business Enterprise (DBE)



- Americans with Disabilities Act (ADA)
- Drug and alcohol testing
- Additional federal and state requirements

### **PTT online**

The PTT has developed and maintains a web-based program called PTT online. PTT online is a program management tool that allows user data input; stores, sorts, and reports data; and facilitates the grant process. The PTT uses PTT online for various functions, including:

- Maintaining a database of all active subrecipients, including their contact information, transit vehicles, legal designees, and agency details
- Providing a remote reporting platform into which subrecipients can enter report information such as vehicle usage, inspections, accidents, and maintenance; National Transit Database (NTD) information; and annual report (financial reports) information
- Managing assets, including tracking the usage of vehicles, current liens, vehicle disposal, performance measures, and maintenance
- Receiving and reviewing LOIs and grant applications
- Tracking the status of individual projects/contracts and overall grants
- Tracking invoices for reimbursement from subrecipients
- Distributing surveys
- Tracking on-site compliance visits
- Generating user-defined reports that facilitate quick or detailed reviews of contracts or grants

PTT online is a secure site that requires a PTT-provided username and password. Each agency contracting with PTT will assign a lead contact and designated users from their agency. Each user can be assigned unique and revisable access rights depending on their role and needs. Subrecipients should contact the applicable Program Manager to obtain access to PTT online.

## **4.2 Grant Administration**

The state is awarded formula grant dollars for the transit programs that UDOT manages. Those grant dollars are in turn awarded to subrecipients by way of awarded projects.

FTA typically sends notification of program funds in the fall of each year. In addition, FTA sends each state the FY annual list of Certifications and Assurances and Master Agreement. By signing/pinning the Certifications and Assurances, the PTT signifies the intent to comply with all applicable provisions, acting as a contract between FTA and the state. In addition, each subrecipient, by signing their individual contracts with UDOT, agrees to comply with the annual list of Certifications and Assurances as well. Steps to this process include:



1. The FTA sends the PTT Director a copy of the Master Agreement and Certifications and Assurances via e-mail.
2. The PTT Director has the UDOT Executive Director and Attorney review and sign a copy of the Master Agreement and Certifications and Assurances.
3. Once signed, the PTT Director must access the FTA web-based system and PIN (operates as a signature) that UDOT has read and agrees to comply with all Certifications and Assurances.

To obtain a PIN, UDOT's Executive Director must sign a Designation of Signatory indicating that the PTT Director has the right to sign on for access to the web-based system, and PIN on behalf of UDOT. Once FTA receives this letter, a PIN will be generated and sent to the signatory.

### **FTA Web TrAMS**

***Refer to the FTA Transit Award Management (TrAMS) User Guide Version 1.2, January 2018***

Similar to PTT online, TrAMS is FTA's online application and reporting system. Direct recipients are required to utilize the TrAMS system to acquire funds and report on projects. FTA offers web trainings and has published a user guide at: <https://www.transit.dot.gov/funding/grantee-resources/teamtrams/trams-user-guide>. Like any software, updates and changes are ongoing. Be aware of any notifications sent by FTA regarding TrAMS modifications.

### **TrAMS Grant Cycle**

The TrAMS Grant cycle is described in detail below, and includes the following key tasks:

- Creation of a grant application and approval
- Grant management
- Grant closeout

Once the PTT receives notice that grant funds are available, TrAMS is open to accept applications for 5310, 5311, 5329, 5339 funds (5304 funds are managed per request and do not follow the process below). To do so, the PTT must do the following:

- 1) Each project must have the following information in the POP: subrecipient name and address, contact person, email, telephone number, subrecipient type, service area, project type, ALI narratives with specific language, Congressional District, eligible project type, net project cost, federal share, and local match.
- 2) The Program Manager uploads the POP into TrAMS. The POP identifies the subrecipients and describes the projects for which they are applying for within the grant. TrAMS requires a detailed scope, activity line items, environmental requirements, etc.



- 3) After completing application, the grant application can be submitted. The Program Manager saves and notifies FTA Region VIII State Coordinator that the application is ready for review.
- 4) FTA completes a thorough review of each project including:
  - a. Project information (program, costs, contact info, etc.)
  - b. Budget (detailed tasks and costs)
  - c. Milestones (schedule of deliverables)
  - d. Environmental findings (required classification)
  - e. Fleet status (for transit agencies)
  - f. Attachments (POP, narratives, budget, ALI, STIP pages, etc.)
- 5) After review and approval, FTA Region VIII notifies the PTT Director or Program Manager when to submit the grant. The PTT Director will then PIN the grant and projects are then ready for contracting.

#### FTA Award Management

In October of each year, FTA requires a detailed status report of each open grant and, if needed, a modification of the project. With the exception of closing a grant, updates to projects can be completed at any time. The following reports are required (listed with the responsible party):

- Progress Reports:
  - Milestones (status report) - Program Manager (**SSO reports quarterly instead of annually**)
  - Financial progress (status report) – UDOT Comptroller's Office
- Modify Project:
  - Schedule (milestones/progress) – Program Manager
  - Activities (revise project budget) – Program Manager
  - Scope and budget (create amendment) – Program Manager

#### FTA Project Closeout

After the last invoice is received, the Financial Program Manager has the Comptroller complete a final draw. A final milestone is entered into TrAMS and the FTA Program Manager is notified by e-mail that the grant is complete and needs to be closed.

#### UDOT Grant Management Setup

The FTA Region VIII office notifies the PTT of publication of the annual apportionments in the *Federal Register* [www.federalregister.gov](http://www.federalregister.gov) in approximately January of each year. Once the following steps are complete, UDOT's Program Managers work with subrecipients to contract the funds through the following process (see the contract discussions below):

1. Upon notification, the Program Manager prints a copy of the grant and forwards it to the Federal Grant Manager in UDOT's Comptroller's Office.



2. UDOT's Comptroller's Office enters the grant into the State Financial System and assigns FINET Program and Phase numbers to the grant. All contracts utilizing funds from a grant will be under the assigned FINET Program and Phase numbers and encumbered against the grant.
3. The Comptroller's Office receives a copy of executed contracts and contract mods, who will then submit a monthly Federal Funding Accountability and Transparency Act (FFATA) report to FTA.
4. The Financial Program Manager enters the grant information into UDOT's PTT online system, electronic files, FTA grant financial spreadsheets, and the subrecipient financial spreadsheet for tracking purposes.

### **Contract Setup**

1. Once the contract agreement process is completed (see previous section), the Financial Program Manager sets up the contract in the PTT online system.
2. The Financial Program Manager also sets up and maintains a spreadsheet with the contract's financial information to track all expenditures by the subrecipient. This should be consistent with the PTT online system, the Comptroller's database, and all other spreadsheets throughout the life of the contract as funds are continually drawn down.

### **Invoicing**

Once a contract has been set up, the subrecipient is now able to submit reimbursement requests.

1. Submitted invoices must include the following information:
  - A. Cover letter with the following (see Appendix C ):
    - a. On official letterhead
    - b. Contract number
    - c. Invoice billing period
    - d. A unique invoice number (e.g. invoice period end date plus contract number – 053118123456)
    - e. Requested federal reimbursement amount(s) and local share amount(s)
    - f. Signed by an authorized agent
  - B. An Itemized Financial Statement.
  - C. Backup documentation/supporting invoices. Invoices must include a summary of all expenses incurred and backup documentation directly relating to expenses summarized. The summary and backup documentation must be readable (no dark backgrounds or pages that are too light), and clearly marked, or the invoice will be denied and returned to the subrecipient for correction. Backup documentation must include all costs incurred and claimed for reimbursement. Acceptable backup documentation includes the subrecipient's progress payments to contractors, copies of cancelled checks showing amounts made payable to vendors and contractors, and a copy of staff hours worked and summary of salary and fringe documentation. Specific



to payroll, a summary of payroll expenditures from the subrecipient's payroll/accounting system during the period of reimbursement request is required.

2. Invoices and backup documentation are submitted by subrecipients directly into the PTT online system. E-mails are then generated and sent to PTT staff alerting them of the submittals.
3. The Program Manager reviews the submitted invoices for appropriate expenditures and proper/complete backup documentation, and approves them for payment. If there are any problems with the invoice, the invoice can be returned to the subrecipient through the PTT online system. An e-mail is generated to notify the subrecipient of the reason for the return and how to make corrections.
4. For capital invoices, the Program Manager must identify equipment purchases and coordinate and update the equipment inventory in PTT online.
5. The Program Manager takes the reviewed invoice to the Financial Program Manager for processing. The invoice is prepared for payment, reviewed and signed by the PTT Director, and submitted to the Comptroller's office for payment.
6. Payment is made by check or Electronic Funds Transfer (EFT).
7. Checks are scanned and the notated with the date it was mailed. This ensures that UDOT has proof that a check was received and mailed. A printout of the EFT payment information is also provided by the Comptroller's office for proof of payment.
8. The original check is mailed to the subrecipient.
9. Payment information is recorded in PTT online and on the subrecipient's spreadsheet, and the invoice/check amount is drawn down in the Comptroller's database, the PTT online system, and the subrecipient's electronic spreadsheet.

### **Contract Extensions/Modifications**

Contract extensions or modifications are utilized to extend the time period of a contract or to add or reduce the amount of funding of the original contract. The process for a contract modification (mod) is as follows:

1. The Program Manager works with a subrecipient to submit a written request for the mod.
2. The Financial Program Manager ensures that funds are available in the grant to cover a funding increase (i.e. funds that were not contracted or funds that were denied), and whether a revision or amendment is needed in TrAMS.
3. The Financial Program Manager completes a UDOT contract extension form with the original contract number and funding amount(s), as well as the increase or decrease of contract funding or time being requested.
4. The PTT Director reviews and signs the mod and the Financial Program Manager submits the mod to the Comptroller's office for execution.
5. Once the mod is executed, the information is updated in PTT online and in the subrecipient's electronic spreadsheet.



## **Contract Closeout**

Once a subrecipient has expended all the funds from their contract, the contract is then closed.

1. When a subrecipient submits their final invoice, the Financial Program Manager marks the invoice as final when it is submitted to the Comptroller's office. This will close the contract in the Comptroller's database.
2. The Financial Program Manager will close the contract in PTT online by marking line items as done expending and adding a contract close date. Note that contracts for vehicles can be closed in PTT online before the end of useful life without impacting reporting. Contracts should be closed once all funds are expended and reimbursed and no more activity remains.
3. The Financial Program Manager will mark the subrecipient spreadsheet as closed.

The Financial Program Manager will compile all closed contract information, including the contract and invoices, and save it in the subrecipient's electronic contract file for archiving.

## **FTA Project Closeout/Deobligation**

After the last invoice is received, the Program Manager has the Comptroller complete a final draw. A final milestone is entered into TrAMS and the FTA Program Manager is notified by e-mail that the grant is ready to close or a deobligation has occurred and the grant needs to be closed.

1. Once all activities of a grant have been completed or all Federal funds expended, the recipient must request a 'Closeout' of the grant using the TrAMS application.
2. The recipient will be required to submit within TrAMS a final version of their FFR and MPR reports.
3. Select closeout in the TrAMS menu and follow the instructions. Submit request, and email Region VIII State Program Specialist the indicating grant has been prepared for closure with funds deobligated.
4. Any unexpended balance of Federal funds will automatically be deobligated by TrAMS upon closing of the grant.

## **Grant Closeout**

Once all funds are expended from an individual grant, the grant must be closed in TrAMS. The following steps must be taken in order to do so:

1. Log into TrAMS.
2. Click on Actions, TrAMS 1.0, Search Applications/Awards.
3. Click on the drop down arrow for Application Status and select "Active Executed" then search and click on the grant to be closed.
4. Once the grant is open click on Related Actions and search for "Award Funds Status".



5. Review the Award Funding Summary towards the top of the page. If the Unliquidated Balance is zero, return to the Actions and proceed to the closeout.
6. If there is a balance in the Unliquidated Balance at the top of the page, contact the Comptrollers Office. Check to make sure that all the funds have been disbursed to UDOT for the amount the grant was obligated. If all funds have been received, then proceed with the closing and deobligation of the excess funds and close the grant.

### **4.3 Financial Management**

This section describes the management of FTA funds in detail. The PTT, in conjunction with UDOT's Comptroller's Office, accounts for federal grant funds using its own financial management systems authorized by state law and procedure. Fiscal controls and accounting procedures used by the state and its grant recipients permit the preparation of financial management reports required by both the Common Rule and the grant authorization statute, and permit the tracing of funds to a level of expenditure that demonstrates whether funds are being spent in compliance with applicable statutes and other grant requirements.

The PTT is responsible for ensuring that its subrecipients have an established and adequate financial system in place for the purposes of expending and accounting for FTA-provided funds. The PTT requires applicants of FTA funds to demonstrate their financial viability, specify all of their funding sources and the administration of these funds, and provide evidence of a local match for the proposed project. It is through this process that proof of a financial system is validated. Training of specific accounting requirements is provided to new subrecipients as requested. In addition, financial audits may be implemented during biennial reviews of all subrecipients.

#### **Local Match Source and Verification**

The PTT certifies annually to the FTA that it has the financial capacity to carry out its POP. This certification includes subrecipients who agree to provide the necessary financial capacity when accepting federal funds. PTT policy requires each subrecipient to document that they have the financial capacity to complete the project and has committed the required local cash match in its budget. The PTT does not accept in-kind as a local match (other than 5311(f) in-kind miles). During the application process, the subrecipient must assure they have the match. Prior to contract agreement execution, the PTT requires a copy of the subrecipient's approved budget indicating the source and amount of local match designated for the particular project. This budget must be accompanied by a signed letter on agency letterhead confirming the budget is accurate and approved, and the local match for the project will remain allocated. This process is necessary to avoid starting projects with subrecipients who cannot meet their match requirements. It is also necessary to verify the local match is coming from acceptable sources. Refer to Chapter 5 of this document for acceptable sources and specific match requirements for each program and expense type.



## **Subrecipient Accounting Procedures and Audits**

A subrecipient of Section 5304, 5310, 5311, 5316, 5317, or 5339 funds is not required to adopt any particular accounting method. However, all direct recipients are required to have a fiscal management system in place that meets the requirements of 49 CFR 18.20. Additionally, all subrecipients are required to maintain accounting systems that translate to the accrual method of accounting and the Uniform System of Accounts, as required by the reporting requirements specified in 49 USC 5335(b).

Subrecipients demonstrate acceptable accounting procedures through PTT's local match source and verification process. As required in the Office of Management and Budget (OMB) *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, subrecipients expending more than \$750,000 (beginning July 1, 2015) in federal awards are required to submit an A-133 Audit and findings.

## **PTT Administrative Expenses**

A portion of FTA grant sources is used by UDOT to administer the program and provide technical assistance to subrecipients. Examples of program administrative costs are general administration, staff salaries, office supplies, development of specifications for vehicles and equipment, and budget line items for planning activities. Individual program administrative expenses are as follows:

- Section 5310, 5316, and 5317 Programs: up to 10 percent of the state's total FY apportionment may be used to administer the program.
- Section 5311 and 5311(f) Programs: Up to 10 percent of the state's total FY apportionment may be used to administer the Section 5311 program. If administrative, planning, and technical assistance expenses for intercity bus programs are paid for under this 10 percent cap, the federal share will be 100 percent.
- Section 5311(b)(3) Program: The PTT does not use Rural Transit Assistance Program (RTAP) funds for state administrative expenses; however, it does use these funds for technical/training opportunities. The direct cost of using PTT staff to deliver RTAP services such as training or technical assistance is a program expense, not an administrative expense. Allowable technical assistance costs may include project planning, program development, development of vehicle and equipment specifications, management development, coordination of public transportation programs (public and private for-profit and non-profit), and such research as the PTT may deem appropriate to promote effective means of delivering public transportation service in non-urbanized areas. PTT contracts with the Utah Urban Rural Statewide Transportation Association (URSTA) to provide activities listed above.
- Combining Program Administrative Funds: UDOT does not allow all or a portion of the administrative funds for Section 5310, 5311, 5316, and 5317 programs to be combined to



support activities (such as coordinated planning) that are common to these programs. There are no admin funds associated with section 5304, 5329 and 5339.

### **Force Account**

In accordance with federal regulations, if subrecipient employees perform work on capital projects other than grant administration, this work is considered force account work. This work includes, but is not limited to, design, construction, refurbishment, inspection, incremental labor, and construction management activities. If the cost of force account work is \$100,000 or more, the subrecipient must have a force account plan and justification. This plan must be maintained by the subrecipient in their files and available to the PTT upon request. The full cost of the project is considered when determining if a subrecipient meets the threshold. Force account work is similar to sole source procurements; therefore, justification of the force account plan is required. Justification may be on the basis of cost, exclusive expertise, safety, efficiency of operations, or union agreement.

### **Indirect Costs**

Non-federal entities (except those governmental departments or agency units that receive more than \$35 million in direct Federal funding) that have never received a negotiated indirect rate have the opportunity to indefinitely elect a de minimis indirect cost rate of 10% of modified total direct costs.

*If the agency elects to not use the de minimis rate:*

An indirect rate proposal is developed annually at the operating agency level to distribute administrative support and/or overhead costs of that agency to the programs (and the grants and contracts) that benefit from them. An indirect cost rate proposal may include the allocable portion of a central service Cost Allocation Plan (CAP). A governmental unit for which a federal cognizant agency has been designated must submit its indirect cost rate proposal to its federal cognizant agency annually (See Table 4.3 below). A governmental unit or agency that does not have a cognizant federal agency identified by OMB must develop an indirect cost rate proposal annually and maintain the proposal and related supporting documentation for audit. These annual rate proposals must also be submitted to UDOT for review and be placed in the subrecipient's file. Unless required by FTA or the cognizant agency, these governmental units are not required to submit their proposals for their review and approval. In addition to initial approval, FTA requires updates to be submitted to it or another cognizant agency when:

- The subrecipient has made a change in its accounting system, thereby affecting the previously approved CAP/indirect cost rate and its basis of application.



- The subrecipients proposed CAP/indirect cost rate exceeds the amounts approved previously by more than 20 percent (e.g., if the previously approved rate is 10 percent, approval is needed once the rate exceeds 12 percent).
- The subrecipient changes the CAP/indirect cost rate proposal methodology.

PTT policy requires subrecipients to identify all indirect costs and show them separately on reimbursement requests. Subrecipients must charge the rates shown in the approved plan. The PTT identifies projects to which indirect costs are associated and compares charges in reimbursement requests to the approved plan to ensure the correct rates are used.

**Table 4.3 Designated Cognizant Agency**

<b>Entity Type</b>	<b>Appendix to 2 CFR Part 200</b>	<b>Cognizant Agency</b>
<b>State and Local Airport, Transit Authority, Port Authority</b>	Appendix V – CAP Appendix VII – ICRP	DOT
<b>State Government</b>	Appendix V – CAP Appendix VII – ICRP	DHHS
<b>State and Local Housing and Development Districts</b>	Appendix V – CAP Appendix VII – ICRP	HUD
<b>Tribe</b>	Appendix V	Department of Interior
<b>University (Institute of Higher Education)</b>	Appendix III	DHHS
<b>Non Profit</b>	Appendix IV	Determined by the Agency providing the largest funding amount or special arrangement
<b>Public Assistance Agencies</b>	Appendix VI	DHHS

More information is available in the OMB Supercircular - <https://www.federalregister.gov/articles/2013/12/26/2013-30465/uniform-administrative-requirements-cost-principles-and-audit-requirements-for-federal-awards>

## 4.4 Procurement Management

The PTT is responsible for ensuring full and open competition and equitable treatment of all potential bidders/suppliers in the procurement process. 49 CFR 18, otherwise known as the Common Grant Rule, and FTA Circular 4220.1F (updated March 18, 2013), Third-Party Contracting Requirements, set forth the requirements to which the PTT must adhere in the solicitation, award, and administration of procurements. Depending on the nature of the procurement and type of subrecipient, all or some of the requirements in FTA Circular 4220.1F may apply.



When the PTT awards funds for the purchase of non-state procured capital equipment and services, all subrecipients are required to comply with third-party contracting standards in accordance with FTA guidelines defined in FTA Circular 4220.1F, Third-Party Contracting Requirements, as well as FTA's *Best Practices Procurement Manual*, found at: <https://www.transit.dot.gov/funding/procurement/third-party-procurement/best-practices-procurement-manual>. All subrecipients, in accordance with 49 USC 5325(a), agree to conduct all procurement transactions in a manner that provides full and open competition.

The PTT has developed a PTT Procurement Guide to be utilized by its subrecipients. The procurement guide can be found at: <http://www.udot.utah.gov/main/f?p=100:pg:0:::1:T,V:3209>. This guide is provided as a resource, but should not be interpreted as exhaustive. It does not address every question that may arise, nor does it address every procurement scenario. Subrecipients must be familiar with FTA third-party contracting regulations and references listed throughout the guide.

The PTT has divided its subrecipients into two groups: unauthorized entities and authorized entities. The PTT Procurement Guide provides definitions and detailed information on the two groups. In general, unauthorized entities are not permitted to conduct their own procurements if federal funds are included when the purchase is expected to exceed \$5,000. In this case, procurement will be handled through UDOT's Procurement office.

To initiate a specific procurement, the Program Manager must obtain a username and password for the Procurement Services Online system - <https://app.udot.utah.gov/procurement/psa/f?p=126:1>. For procurements done by UDOT's Procurement office, the Program Manager and Compliance Officer must review the final solicitation document and contract before advertisement and execution to verify all required third-party contract clauses are included and to perform an excluded party's list search located at [www.sam.gov](http://www.sam.gov).

Authorized entities are responsible for all facets of their procurement and are expected to manage the process from start to finish. If subrecipients are not sure if they are authorized, they should contact the applicable Program Manager for clarification. Authorized entities must still follow all PTT policies discussed above, including submittal of procurement documentation before solicitation and award to ensure that the procurement is in compliance. The Program Manager and Compliance Officer must review this procurement documentation and complete and file the procurement review checklist before the entity moves forward with the next procurement step.

Unauthorized entities must submit procurement documentation for procurements exceeding the micro-purchase threshold for review and approval prior to solicitation and prior to awarding of a



contract. All unauthorized and authorized contract files must be properly maintained for auditing purposes, and subrecipients are instructed to be prepared to submit these documents to the PTT at any time during the procurement process (see Appendix B of the PTT Procurement Guide, Public Solicitation Checklist). Subrecipients must also ensure bidder compliance with applicable federal guidelines. All subrecipients are required to generate a written record of procurement history to include procurement planning, specifications, and pre-award and post-delivery audit requirements under FTA and state procurement regulations.

### **Awards to Responsible Contractors**

All assisted contract awards will only be made to responsible contractors. UDOT expects prospective contractors to demonstrate that they qualify as responsible and that their proposed subcontractors also qualify as responsible. A responsible contractor is defined in FTA Circular 4220.1F as one who fulfills the following conditions:

- **Integrity and Ethics:** Has a satisfactory record of integrity and business ethics, in compliance with 49 USC 5325(j)(2)(A)
- **Debarment and Suspension:** Is neither debarred nor suspended from federal programs under the U.S. Department of Transportation's (USDOT) regulations, *Nonprocurement Suspension and Debarment*, codified at 2 Code of Federal Regulations (CFR) 180 and 1200, or under the FAR at 48 CFR Chapter 1, Part 9.4. Access the System for Award Management at [www.sam.gov](http://www.sam.gov) to see if a contractor is debarred or suspended on the federal list
- **Affirmative Action and Disadvantaged Business Enterprise (DBE):** Is in compliance with the Common Grant Rule's affirmative action and DOT's DBE requirements (49 CFR 26)
- **Public Policy:** Is in compliance with the public policies of the federal government, as required by 49 USC 5325(j)(2)(B)
- **Administrative and Technical Capacity:** Has the necessary organization, experience, accounting, and operational controls, and technical skills, or the ability to obtain them, in compliance with 49 USC 5325(j)(2)(D)
- **Licensing and Taxes:** Is in compliance with applicable licensing and tax laws and regulations
- **Financial Resources:** Has or can obtain sufficient financial resources to perform the contract, as required by 49 USC 5325(j)(2)(D)
- **Production Capability:** Has or can obtain the necessary production, construction, and technical equipment and facilities
- **Timeliness:** Is able to comply with the required delivery or performance schedule, taking into consideration all existing commercial and governmental business commitments
- **Performance Record:** Is able to provide a satisfactory current and past performance record



## **Real Property**

***Prior to engaging in a real property procurement, the PTT must reach out to FTA and be familiar with FTA C 5010.1E, Chapter 4.***

Real property is land and anything permanently affixed to the land, such as buildings, fences, and those things attached to the buildings that, if removed, would deface the structure or integrity of the building, such as plumbing, heating fixtures, etc. Procurements of real property consisting of land and any existing buildings and structures on that land are generally beyond the scope of this circular. Real property acquisition is addressed in DOT regulations, “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs,” 49 CFR Part 24, implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 U.S.C. Sections 4601 et seq., which provide protections for owners and lessees of real property to be acquired as part of an FTA assisted project.

The objective of the Uniform Act is to ensure equitable treatment of property owners of real property to be acquired under the federally-assisted Award; that people displaced by a federally assisted Award be treated fairly, consistently, and equitably; and that acquiring agencies implement the regulations in a manner that is efficient and cost effective.

An appraisers report is required on all property acquired with federal funds. **Property appraisals must be completed by a certified UDOT appraiser.** FTA must review and concur with appraisals for acquisitions and dispositions of more than \$500,000. Federal assistance may be awarded before the appraisal is completed. Recipients should not purchase property (or make a binding offer to purchase it) before completing NEPA, unless the provisions under 771.113(d) or FTA’s Corridor Preservation guidance apply. The PTT should coordinate closely with FTA throughout the Real Property procurement process.

## **Rolling Stock Procurements**

Rolling stock (buses, vans) is the PTT’s largest procurement type. In an effort to obtain the best deal possible for its subrecipients, the PTT contracts with a bus vendor for a three- to five-year term. To contract with a vendor, the Section 5310 Program Manager must complete the following process. Additional information is found in the PTT Procurement Guide at:

[www.udot.utah.gov/main/f?p=100:pg:0:::1:T,V:3417:](http://www.udot.utah.gov/main/f?p=100:pg:0:::1:T,V:3417:)

1. The Program Manager writes (or has a contractor write) detailed vehicle specifications for a public bid, including seat configurations, color schemes, etc.
2. The Program Manager works with UDOT Procurement to identify a list of potential vendors that may want to submit a bid.



3. The Program Manager submits the details of the procurement and vehicle specifications in the Procurement Services Online system  
<https://app.udot.utah.gov/procurement/psd/f?p=126:1>, or however UDOT Procurement would like to receive the details.
4. The Program Manager or Compliance Officer ensures that all federal clauses and certifications are included (see PTT's Procurement Guide).
5. The Program Manager works with UDOT Procurement to answer any bid questions received.
6. UDOT Procurement submits the bid on BidSync (or chosen site).
7. The Program Manager or Compliance Officer checks [www.sam.gov](http://www.sam.gov) to verify that the apparent successful bidder is not on the excluded parties listing.
8. The Program Manager and Compliance Officer collect and review required documentation and complete the pre-award audit and certifications. They must use the most current New Vehicle Information form, which includes the pre-award certifications.
9. The Program Manager or Compliance Officer submits the Vehicle Award Report information to FTA Civil Rights within 30 days of vendor award or order (if a multi-year contract). Submitted via - <https://www.surveymonkey.com/r/vehicleawardreportsurvey>
10. The chosen vendor works with the Program Manager to identify the most efficient system of placing subrecipient's orders.
11. The Program Manager works with the subrecipient to identify seat configuration and colors, restraint type/location, etc., for order. The subrecipient must sign a mastersheet with configuration and color scheme.
12. The Financial Program Manager executes the contracts with subrecipients (must have contract prior to submitting an order). The Program Manager or Compliance Officer completes the procurement review checklist before executing a contract. The review document must be filed with the procurement documentation for that contract.
13. The Program Manager submits all orders to the vendor. Unless a change has occurred in the floor plan or vehicle configurations, the pre-award audit and certifications done before contract award with the vendor will be sufficient as pre-award documentation. If there is a change in configuration for a particular vehicle order, pre-award audits and certifications will be completed before the order is officially placed.
14. Before the PTT accepts vehicles and the subrecipient picks them up, the Compliance Officer performs a detailed post-delivery audit for purchaser requirements, Buy America if applicable, and Federal Motor Vehicle Safety Standards (FMVSS). The PTT has developed checklists based on the vehicle specifications. Once the audit is complete and the PTT has determined the vehicles are compliant, the post-delivery certifications are completed and filed with the vehicle's title and registration information according to the current filing system.



15. Each vendor handles vehicle pick-up, temporary tags, and registration differently. The Program Manager or Compliance Officer must work closely with the vendor to identify the most efficient system to ensure a seamless delivery. (Note that buses are typically manufactured on demand, thus taking three to four months for delivery).

### **Subrecipient Vehicle Contracts**

Although the PTT has a contract with a rolling stock vendor, subrecipients are required to sign a contract with the PTT for the anticipated federal funds as well. The contract should include the chosen specifications or a copy of the signed master sheet. Contracts must be signed prior to placement of a vehicle order.

### **Pre-Award/Post-Delivery Audits**

Agencies procuring rolling stock with FTA funds are required to perform and document pre-award and post-delivery audit procedures and results in order to ensure compliance with all pertinent federal regulations. The PTT is responsible for all procurements completed through the PTT. The pre-award audit is performed once the low bidder has been identified and before any contract is awarded. The post-delivery audit occurs after the vehicle has been delivered and verifies that the contractor met all the necessary requirements. By signing the FTA Master Agreement, recipients have certified that they will conduct pre-award and post-delivery audits as necessary.

### **Pre-Award Audit**

Prior to awarding the contract to a supplier, the party performing the procurement is responsible for ensuring a pre-award audit is completed. This audit is required prior to contract execution with the supplier. The audit includes a certification that both Buy America and the purchaser's requirements are satisfied. The certifications must be completed by the party performing the procurement. The purchaser should not pay 100 percent of the vehicle purchase price until they are certain the vehicle meets their specified requirements.

### **Buy America Certification**

Prior to signing a contract, the Program Manager must have a certification on file from the manufacturer verifying that the rolling stock will contain a minimum of 60 percent domestic products by cost and that final assembly will take place in the United States. Beginning in FY 2018, components and subcomponents produced in the US must be more than 65 percent, and increases to 70% in 2020.

FTA may waive the requirement in the interest of public interest, products are not readily available or of a high quality, or the inclusion of certification increases the cost of the project by more 25 percent for rolling stock. An exemption certification indicating that UDOT has a letter from FTA granting a waiver from the Buy America requirement is needed. This certification may be obtained from the broker to whom the rolling stock contract may be given. The broker will obtain the



certification from the manufacturer identified in their contract. Buy America requirements only apply to subrecipients receiving more than \$150,000 through one application.

#### Purchaser Requirement

Prior to signing a contract, the Program Manager or Compliance Officer must complete a pre-award purchaser's certification verifying that the manufacturer's bid specifications comply with the PTT's solicitation requirements and that the proposed manufacturer is capable of building the rolling stock to the solicitation requirements.

#### FMVSS Certification

Prior to signing a contract, the PTT must receive certification that the rolling stock will comply with the relevant FMVSS issued by the National Highway Traffic Safety Administration.

#### **Post-Delivery Audit**

Prior to transferring the title to the subrecipient, multiple steps must be completed. The party performing the procurement must complete the audit and complete certifications for Buy America, purchaser requirements, and FMVSS. If the subrecipient performed the procurement, the subrecipient is required to complete these steps (e.g. Park City). Copies of certifications must be submitted to UDOT.

#### Buy America Certification

The Project Manager or Compliance Officer must obtain proper documentation for the certification, which includes disclosure by the manufacturer of the final assembly location; a listing of the component and subcomponent parts; the cost (actual or percent of total) of such components and subcomponents and the country of origin; a description of final assembly activities; and the cost of final assembly. Final assembly costs are not to be included when calculating the percent domestic content of the vehicle. The direct recipient or an independent third party must conduct the Buy America audits. The audit may be based on information provided by the manufacturer; however, certification by the manufacturer is not adequate.

#### Purchaser Requirement

Once the vehicles arrive on-site to the broker, the Program Manager or Compliance Officer must complete a post-delivery purchaser's requirement certification verifying that buses meet the contract specifications. The Program Manager or Compliance Officer will complete a thorough visual inspection of all major components, including:

- All auxiliary components, such as wheelchair lifts/securements and air conditioners, are on the vehicle and working properly.
- The seating configuration is as specified, including designated mobility-aid seating areas
- All chassis components are as specified.



- The vehicle is properly undercoated and rust-proofed.
- All manuals and warranty information are included.
- The vehicle meets all ADA requirements.
- A certification is required from the party performing the procurement certifying the audit was performed and meets minimum requirements. Audit documentation must be maintained with the certification.

The PTT has developed a checklist of specifications for each vehicle procurement it performs to assist in the purchaser requirement audit. A field test will be completed during a subrecipient's vehicle pick-up.

#### FMVSS Certification

The Program Manager or Compliance must certify that they received a copy of the manufacturer's self-certification that the rolling stock complies with FMVSS standards. The Program Manager or Compliance Officer will ensure during the visual inspection that the required FMVSS sticker is in place on the driver-side door.

Additional details regarding the FMVSS pre-award and post-delivery rules are found on the FTA website at: <https://www.transit.dot.gov/regulations-and-guidance/buy-america/post-delivery-review-requirements>. In addition, Appendix E of the PTT Procurement Guide has copies of all required pre-award and post-delivery certifications.

#### Subrecipient Vehicle Pick Up

Upon vehicle inspection approval, subrecipients are invited to attend a New Vehicle Training (conducted by the Compliance Officer) and vehicle pick-up at the vendor's facility. Items addressed at the meeting will include reporting/compliance requirements.

Subrecipients are required to bring the following items to the New Vehicle Training:

- 20 percent local match check
- Insurance verification
- Copy(ies) of registration (to be provided to the PTT once the vehicle is registered)

The Compliance Officer enters the following vehicle information into PTT online:

- Start date
- License plate number
- Vehicle start date, which begins the useful life period (see the Useful Life Benchmark discussion in Section 4.6)



## **Lien Release**

Subrecipients must include UDOT as a lien holder when completing registration, insurance, and other forms. The lien or covenant will be released when the useful life and disposition standards have been met and any non-compliance findings are resolved. The federal interest expires when the property reaches its useful life and the vehicle value is less than \$5,000. These requirements exist to protect the federal interest and to maintain continuing control over property. The lien release process includes:

1. Review PTT online and vehicle information in June and December of each year to identify vehicles ready to be released.
2. Send a copy of a promissory note to the subrecipient to sign, date, and return to the PTT.
  - a. Promissory notes state that if the vehicle is sold, all proceeds will go back into public transportation-related services (see Section 4.5, Asset Management, below).
3. Pull the title (the title is in the Compliance Officer's files) and have the Comptroller or designee sign the title release; make front and back copies of title.
4. Mail title and lien release letter to the subrecipient. The subrecipient will take this information to the DMV to obtain a new title.
5. Update PTT online to reflect the lien release and deactivate it in the system.
6. All vehicle information will be filed electronically for a minimum of three years.
7. Subrecipients must also retain files for a minimum of three years.

## **4.5 Asset Management**

### **Property Insurance**

The PTT requires all subrecipients to maintain adequate insurance coverage (collision, comprehensive, liability, uninsured motorist, no fault, flood hazards, Federal Motor Carrier Safety, fire, etc.) as required by federal, state, and local law and to provide assurance of coverage to protect FTA's interest in the property. This includes all vehicles, equipment, facilities, and other property as defined by FTA Circular 5010.1E, Grant Management Requirements. The subrecipient must comply with all applicable motor vehicle laws, and secure a certificate of insurance covering each motor vehicle demonstrating that the subrecipient has obtained all insurance required by state and federal law. The subrecipient is required to obtain the minimum specified coverage for the following categories:

- Bodily Injury Liability: Minimum specified by state and federal law, whichever is greater
- Property Damage Liability: Minimum specified by state and federal law, whichever is greater
- Collision: An amount equal to at least 100 percent of the property value during the period of coverage or minimum specified by state and federal law, whichever is greater
- Comprehensive: An amount equal to at least 100 percent of the property value during the period of coverage or minimum specified by state and federal law, whichever is greater



- Uninsured Motorist: An amount equal to at least 100 percent of the property value during the period of coverage or minimum specified by state and federal law, whichever is greater
- No Fault: Minimum specified by state and federal law, whichever is greater
- Flood Hazards: The Recipient agrees to have flood insurance as required by the Flood Disaster Protection Act of 1973, 42 U.S.C. § 4012a(a), for any building located in a special flood hazard area (100-year flood zone), before receiving federal assistance to acquire, construct, reconstruct, repair, or improve that building. Additionally, the building and its contents must be covered by flood insurance in an amount at least equal to the federal investment (less estimated land cost) or equal to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968. Current limits are \$500,000 per building and \$500,000 for the contents of each building.
  - FTA has defined building and contents coverage in its Emergency Relief rule, 49 CFR part 602, as follows:
    - (a) Building: For insurance purposes, a structure with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site. This includes manufactured or modular office trailers that are built on a permanent chassis, transported to a site in one or more sections, and affixed to a permanent foundation.
    - (b) Contents coverage: For insurance purposes, contents are personal property within a building, including fixtures, machinery, equipment and supplies. In addition to the costs to repair or replace, contents insurance coverage shall include the cost of debris removal and the reasonable cost of removal of contents to minimize damage.

This insurance is required to continue uninterrupted throughout the period of required use. For facilities and other non-vehicle property, the subrecipient must obtain insurance coverage for an amount equal to at least 100 percent of the property value during the period of coverage or minimum specified by state and federal law, whichever is greater. Property is required to be insured against theft, vandalism, fire, earthquake, flood, and wind.

### **Use of Property**

Federally funded property must be used by the subrecipient in the program or project for which it was acquired, and the use must meet the definition of public transportation as defined in this SMP. Property should first be utilized to meet the needs under the program for which it was acquired. However, the PTT encourages maximum use of property funded under its programs. The PTT encourages the coordination of vehicles or other equipment as long as it does not disrupt the original intended use. PTT requires subrecipients to maintain continuing control of its assets. PTT policy requires subrecipients to notify the PTT immediately if property is not used in the approved program or project or if it is used in a manner substantially different from that described in the



project scope. The PTT will provide guidance and assist the subrecipient in approving alternative uses or disposing of the property.

If property use is not as approved or intended or property is no longer needed, the PTT will consider several options. First and foremost, the PTT and the subrecipient should consider ways to increase usage within the approved project and program. As long as the original intended use is not disrupted and receives priority, the property may be used for other public transportation services that are allowed and in compliance with federal regulations. For instance, a vehicle purchased with Section 5310 funds may be considered for service to the general public in addition to service for senior individuals and individuals with disabilities, provided the latter remain the priority.

### **Transfer of Property to Eligible Subrecipients**

Property can be transferred to any eligible subrecipient as described herein if the property will continue to be used in accordance with the requirements of the project proposal and grant program. The subrecipient receiving the property must comply with all applicable state and federal requirements. The names of the entities involved in the transfer of property, as well as a description of the property transferred, should be included in a new or revised POP. The transfer may be shown in the POP for any active grant. It does not have to be in the grant under which the property was originally funded. For any transfer of property for which a federal interest remains, the new owner must reimburse the original subrecipient the prorated value of the local match calculated using straight line depreciation. For example, if a vehicle with five years of useful life is transferred after four years, the new owner must reimburse the original owner in an amount equal to 40 percent of the original local match. The reimbursement value will be calculated based on the total match, the useful life, and the total months the bus has been in service (see the example below):

Local Match – ((Local Match/Useful Life in Months) x Total Months in Service) = Reimbursement Value

$$\$12,000 - \left( \left( \frac{\$12,000}{60} \right) \times 48 \right) = \$2,400$$

### **Transfer of Property to Another FTA Program**

Property, including land, that is no longer needed for the purpose for which it was acquired can be transferred to a local governmental authority to be used for a public purpose other than transportation with no further obligation to the federal government, if authorized by the PTT, who will secure authorization from the FTA. If the property cannot be used within the applicable grant program, the PTT may consider transferring the property to another FTA grant program.

If no additional use can be found for the property, it will be disposed of according to PTT policy. For any transfer of property for which a federal interest remains, the new owner must reimburse the



original subrecipient the prorated value of the local match calculated using the straight line depreciation method outlined above.

Subrecipients are required to maintain satisfactory records regarding the use of the property. All vehicle usage and accidents must be reported by subrecipients in the PTT online system. Facility use documentation must be available at any time to the PTT. Subrecipients are also required to submit an annual report to the PTT providing assurance that project property exists and is being used and maintained in accordance with the project proposal filed by the subrecipient with the PTT.

### **Incidental Use**

The PTT encourages subrecipients to look for incidental use opportunities so long as the incidental use does not interfere with the original property use. PTT policy requires the subrecipient to receive PTT approval prior to allowing incidental use. PTT policy also requires subrecipients to document incidental use and revenues once the use has been approved. In addition to not interfering with the original project and program use, several requirements for incidental use must be met:

1. The subrecipient must maintain continuing control over the property. Incidental use agreements must contain appropriate provisions maintaining the subrecipient's control.
2. The subrecipient must fully recapture all costs related to the incidental use from the non-transit public or private entity, including all applicable excise taxes on fuel for fueling facilities and wear and tear to capital improvements.
3. The subrecipient must use revenues received from the incidental use for capital and/or operating expenses that were or will be incurred to provide the public transportation.
4. Private entities must pay all applicable excise taxes on fuel.

### **Leasing**

Leasing is currently not permitted by the PTT.

### **Asset Maintenance**

Federally funded assets must remain in good operating order at a high level of cleanliness and safety. PTT policy requires a written maintenance plan to be in place and approved prior to asset use. These plans should cover all assets including vehicles, facilities, ADA features, and equipment, and should describe a system of periodic inspections and preventive maintenance to be performed at certain defined intervals. Plans must include pre-trip inspection, surveillance inspection, and preventive maintenance inspection requirements. These three inspection types are the minimum requirements; additional inspections may be required. The PTT will either provide a maintenance plan based on manufacturer's recommendations or the subrecipient can submit their own plan for



approval. If the subrecipient opts to use their own plan, the subrecipient will be responsible for submitting all manufacturer requirements to the PTT for plan development. All plans must meet the minimum manufacturer requirements for maintenance.

PTT policy requires subrecipients to have a system in place to track asset warranties, identify warranty claims, record claims, and enforce warranty claims against the manufacturer.

Subrecipients are responsible for ensuring that maintenance costs covered by warranties are recovered from the manufacturer and are not submitted for reimbursement.

Subrecipients are required to maintain satisfactory records regarding the maintenance of assets, including warranty claims. All vehicle maintenance inspections and services must be reported by subrecipients in the PTT online system. Facility and equipment maintenance documentation must be available at any time to the PTT.

Larger systems, such as Park City, may have facility audits completed on a regular schedule. Audits generally include all components of the facility, maintenance schedule, needs, etc. If an audit is completed, PTT should have an approved/final copy.

### **Rehabilitated Vehicles**

The PTT does not allow for the procurement of rehabilitated vehicles.

### **Facilities**

With regular maintenance, assets will operate at the same level on first and last day of service, throughout their useful life. In general, assets within their useful life are considered to be in a state of good repair. The FTA website includes the following information regarding state of good repair: "State of good repair is the condition where all assets perform their assigned functions without limitation." Subrecipients must apply the following useful life standards to facilities funded through the PTT:

- Passenger shelters such as pre-fabricated metal, glass, plexiglas, and stick-frame structures: Useful life of 20 years
- Bus barns such as site-built "pole barns" or other stick-frame barns: Useful life of 40 years
- Administration and maintenance buildings (including additions): Useful life of 40 years
- Concrete pavement infrastructure: Useful life of 20 years
- Fencing: Useful life of 20 years
- Office furniture: Useful life of 10 years

### **Other Equipment**

For other equipment with an acquisition value greater than \$5,000, the PTT determines useful life standards on a case-by-case basis that reflects the manufacturer's estimated useful life. The subrecipient should propose a useful life in its project proposal.



## **Property Title and Lien**

The PTT does not hold titles/deeds, nor does it secure property liens or restrictive covenants on real property. For vehicles, the PTT requires each subrecipient to relinquish physical possession of the title to the PTT for the length of time there is an active federal interest in the vehicle.

Subrecipients must include UDOT as a lien holder when completing registration, insurance, and other forms. The lien or covenant will be released when the useful life benchmark (ULB) or disposition standards have been met and any non-compliance findings are resolved. The federal interest expires when the property reaches its useful life benchmark or the vehicle value is less than \$5,000. These requirements exist to protect the federal interest and to maintain continuing control over property.

## **Useful Life Benchmark (ULB)**

The Useful Life Benchmark (ULB) is the expected lifecycle or accepted period of use for a capital asset. The PTT utilizes FTA's default ULB to assist in managing its FTA funded assets. FTA defines the ULB as the expected lifecycle of a capital asset and still be in a good state of repair. The ULB for each vehicle class is found in Table 4.5 below. The ULB refers to total time in revenue service, not time spent stockpiled or otherwise unavailable for regular transit use. The PTT ULB policy revisions will be effective upon document approval.

PTT, at its discretion, may extend the ULB of capital purchases. Situations, including non-compliance of Federal and/or PTT regulations and contracts, non-use of equipment, low vehicle miles and inconsistent maintenance, are examples of where by PTT may extend the ULB.

## **Disposal**

UDOT will release the lien on rolling stock and support vehicles when either the useful life mileage has been exceeded, the ULB age has been met, or the vehicle's value is less than \$5,000. These requirements exist to protect the federal interest and to maintain continuing control over property. If a vehicle needs to be sold prior to these disposal conditions being met and the market value of the vehicle is \$5,000 or more, the PTT requires reimbursement of the proportionate share (80% Fed/20% Local) of the net proceeds from the sale. The PTT can apply a straight-line depreciation to determine the value of the vehicle or the subrecipient may choose to sell via adequate e-commerce procedures to obtain the highest return. The federal reimbursement will be based on whichever method yields the highest return.

The subrecipient may choose to allocate these funds towards its transportation program and not return the funds. However, if the funding is not prioritized for public transportation related purposes, the funding is required to be returned and the proceeds will go back into the grant program from which the vehicle funds were utilized. The funds will be held in a non-interest







bearing account and will be eligible for future grant applications. The PTT can apply a straight-line depreciation formula to vehicles to determine the depreciated value of federally funded vehicles. See Table 4.4 PTT Straight-line Depreciation below.


**Table 4.4: PTT Straight-line Depreciation**

Example Straight-line Depreciation				
Cost (purchase price)		\$48,000		
Salvage (estimated value)*		\$5,000		
Life (years in service)		7		
Depreciation ((cost-salvage)/life)		\$6,143.00		
yr	vehicle value	vehicle depreciation	depreciated value	
1	\$48,000	\$6,143	\$41,857	
2	\$41,857	\$6,143	\$35,714	
3	\$35,714	\$6,143	\$29,571	
4	\$29,571	\$6,143	\$23,428	
5	\$23,428	\$6,143	\$17,285	
6	\$17,285	\$6,143	\$11,142	
7	\$11,142	\$6,143	\$4,999	
*based on estimated value - commercialtrucktrader.com				

If the subrecipient receives insurance proceeds when the property has been lost or damaged by fire, casualty, or natural disaster, the subrecipient must apply those proceeds to the cost of replacing the property or return to the PTT an amount equal to the remaining federal interest in the property.

**Table 4.5: Vehicle Types and Useful Life Benchmark and Useful Life**

Vehicle Class	Photo	Approx. GVWR	Seat #	Length	Useful Life Benchmark (age) / useful life (mileage)
A: Large, Heavy-Duty Transit Buses, Articulated Buses and Electric Buses		33,001 – 40,000 lbs.	35 – 40+	36 – 40 ft. or greater	14 years/ 500,000 miles
B: Medium-Size, Heavy-Duty Transit Buses and Electric Buses		26,001 – 33,000 lbs.	25 – 35	31 – 35 ft.	12 years/ 350,000 miles
C: Medium-Size, Medium-Duty Transit Bus & Truck Chassis Cutaway Bus		10,000 - 26,000 lbs.	16 – 30	26 – 30 ft.	10 years/ 200,000 miles
D: Medium-Size, Light-Duty Bus & Van Chassis Cutaway Bus		10,000 – 16,000 lbs.	12 – 16	20 – 25 ft.	10 years/ 150,000 miles

E-1: Small, Light-Duty Bus E-2: Modified Vans E-3: Vans E-4: Minivans E-5: Station Wagons E-6: Sedans		6,000 – 14,000 lbs	3 – 14	E-1: 20-22 ft. E-2: < 20 ft. E-3: < 20 ft. E-4 through E-6: < 20 ft.	8 years/ 100,00 miles
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## **Vehicle Policies**

FTA and the PTT require adherence to the following vehicle “use” policies:

- Bus modifications (e.g., adding a hitch): All bus modifications require approval from the PTT Director. Typically, special modifications to the bus need to be included in the final specification list prior to construction of the vehicle.
- Service Animal: If the animal is a service animal, then it is allowed. All other pets are not allowed.
- Government Transportation: Transportation of government officials to government business is allowed. While charter service is not allowed, a subrecipient may provide up to 80 hours of service for government officials to government-related events.
- Fees: Fees cannot be charged for service, but donations can be requested or a donation box can be located in the vehicle.
- Maintaining Continuing Control: the subrecipient must retain continuing control over the use of the property and be available for its originally authorized purpose.
- Natural disasters: The vehicle may be used for other purposes during natural disasters.
- Attendants: Attendants are allowed as needed.
- School bus service: Utilization of vehicles for school bus service is not allowed by the PTT.
- Charter service: Charter service is not allowed by the PTT.
- CDL: A CDL is required for vehicles carrying more than 15 passengers, including the driver, or vehicles with a GVWR over 26,000 pounds. Bus drivers must also have passenger endorsements for their licenses. Transit, intercity, and motor coach operators must have a passenger vehicle (P) endorsement. Endorsements require a passing score on knowledge and skills tests administered by the state licensing agency or partner institution.

## **4.6 Oversight and Compliance**

The PTT is ultimately responsible to FTA to ensure federal funds are spent and administered according to federal and state requirements. Before distributing any federal funds on projects, the PTT certifies to FTA that it and the entities with which it has relationships have met all statutory and program requirements. The PTT passes these requirements down to these entities in their contract agreements and expects these entities to comply with federal and state requirements. The



PTT maintains continuing control over these entities and ensures compliance through its oversight and compliance policies and procedures.

## **Applications**

The RFP and application process includes several oversight and compliance checks:

- Prior to selecting projects for funding, the Program Manager reviews coordinated plans to ensure planning requirements are met. The PTT stipulates that the lead local agency must certify that the coordinated plan is developed through a process that includes representatives of public, private, and non-profit transportation and human services providers and participation by members of the public; and that the coordinated plan is updated at a minimum of every four years in conjunction with the statewide long-range plan.
- The Program Managers review applications for completeness, accuracy, and eligibility. This includes reviews to verify applicants and proposed activities are eligible for funding under the specific grant program. Applications that do not meet requirements are returned for revision or not accepted.
- Applicants must certify they have the necessary local cash match available (in-kind is not accepted).
- After receiving evaluations from the applicable regional planning agency, the Program Managers conduct an evaluation and score applications based on established criteria, including past compliance and demonstrated managerial, financial, and technical capacity of the applicant .

## **Contract Agreements**

Key tasks related to contract agreements include the following:

- Contract agreements are developed by the Program Manager and reviewed by the Compliance Officer. The contracts include federal and state requirements and these requirements are passed to subrecipients. Relevant documents such as this SMP are incorporated by reference.
- Contract agreements are reviewed as needed by the Compliance Officer to ensure federal and state requirements are consistent with current regulations. If necessary they are reviewed by the UDOT Attorney General. Once approved by the Attorney General, they are updated and become the current contract agreements for use.
- Contract agreements include and document the subrecipient's reporting responsibilities.
- A pre-agreement signing meeting can provide a documented question-and-answer opportunity for the subrecipient prior to entering into the contract, if needed. The PTT also reviews contract requirements. This step assists subrecipients in understanding what they must do to comply and documents the PTT's notification of those requirements.



## **Financial Oversight**

The PTT provides ongoing financial management oversight of grants through its quarterly expenditure reimbursement process. The process requires subrecipients to submit a monthly, or at least quarterly, expenditure request (see Section 4.2 – Invoicing for detailed information).

Subrecipients who receive funds that exceed the audit threshold (currently \$750,000) must ensure that the audits performed are consistent with the requirements of OMB Circular A-133; the PTT verifies these audits are performed when required.

If applicable, the PTT will total indirect costs submitted with reimbursement requests to ensure they reflect the percentage identified in the subrecipient's approved indirect cost plan. Tracking of the subrecipient's indirect costs and submitted reimbursement requests will be completed utilizing the PTT Indirect Cost Monitoring Form. The form is placed in the subrecipients file upon the annual approval of the subrecipients indirect cost plan.

## **Site Visits and Inspections**

The PTT conducts biennial site visits and inspections of its subrecipients; however, the PTT may perform site visits and inspections on a more frequent basis, if deemed necessary. Reasons for more frequent visits include, but are not limited to, numerous follow-up items on previous visits; complaints regarding service, vehicles, or other items; or frequent PTT online alerts. Site visits and inspections are performed by the Compliance Officer and include a comprehensive review of the funded activities. Complete inspections of the property on-site are done for 100 percent of the property pieces if the subrecipient has two or less. For subrecipients with more than two pieces of property, pieces are randomly selected and at least 50 percent are inspected; this includes facilities.

To assist the Compliance Officer, the PTT has developed standard forms that include specific questions about equipment and operations. These forms cover ADA; procurement; asset management including use, maintenance, and loss prevention; DBE; and Title VI and EEO. Reviews of subrecipient's reporting and financial management are done via PTT online and should be done prior to the site visit in coordination with the Program Manager. Any reviews that can be done remotely with the Program Manager should be done prior to the site visit and inspection so findings of these reviews can be discussed at the site visit. Once the subrecipient review is complete, a final report is sent to the subrecipient and Program Manager. Any follow-up items with time frames for responses are identified in this report. It is the Compliance Officer's responsibility to track and verify follow-up items are addressed and documented. All site visit and inspection dates and findings are tracked in PTT online and summarized in a log.



## **Reporting and Performance Measure Oversight**

In addition to site visits and inspections, the PTT collects quantitative and qualitative data throughout the year for several reports required by FTA and/or the PTT. These reports are utilized for several reasons, including but not limited to: ensuring that capital assets are being utilized and maintained correctly, civil rights requirements are being met, financial reporting is accurate, and contracts and grants are being managed effectively. Table 4.6 below includes each report, due dates and responsible party for review.

**Table 4.6: Annual Reporting Requirements**

<b>Report</b>	<b>Date to UDOT</b>	<b>Date to FTA (if necessary)</b>	<b>Responsible Party for Reviewing Data</b>
<b>Quarterly Report (project updates/status and performance measures)</b>	15-Jan, 15-April, 15-Jul, 15-Oct	-	Compliance Officer/ Program Manager
<b>Complementary Paratransit Plan</b>	20-Jan	26-Jan	Program Manager or Compliance Officer
<b>DBE Report</b>	15-May, 15-Nov	1-Jun, 1-Dec	UDOT Public Transit Team
<b>EEO Plan and Report</b>		1-Jun	FTA Civil Rights/UDOT HR completes UDOT Plan
<b>Drug and Alcohol Report</b>	24-Feb	15-Mar	D&A consultant submits report to FMCSA
<b>OMB A-133 Single Audit</b>	Annually	-	UDOT Internal Audit Division
<b>Vehicle Mileage and Trips</b>	Weekly	-	Compliance Officer
<b>Surveillance Inspections</b>	15-April, 15-Oct	-	Compliance Officer
<b>Preventive Maintenance</b>	Mileage specific	-	Compliance Officer
<b>Accidents and Incidents</b>	As necessary	-	Compliance Officer or Program Manager
<b>Gap Report</b>	-	31-Oct	Compliance Officer or Program Manager
<b>Invoicing or Reimbursement Requests</b>	Minimum quarterly	-	Program Manager or PTT Director
<b>NTD</b>	20-Jan	31-Jan	Program Manager
<b>Milestone Report</b>	15-Oct	31-Oct	Program Manager

When any report is submitted on time or late, PTT online sends a notification to PTT staff and the assigned individual either reviews the report or follows up with the subrecipient on late reports. PTT online tracks the review, acceptance, or the return of reports, thereby documenting this process.



## **Civil Rights Compliance/Monitoring Subrecipients**

The PTT works closely with UDOT Civil Rights staff and subrecipients to ensure that Title VI requirements are being met and that all parties are in compliance. The PTT Compliance Officer conducts biennial compliance on-site reviews and documents the process and results to ensure that subrecipients are complying with the U.S. Department of Transportation (USDOT) Title VI regulations.

The UDOT Compliance Officer looks for the following items during on-site reviews:

- Clearly displayed Title VI posters with the required information (in vehicles and in public spaces):
  - Description of Title VI
  - Explanation of how to obtain Title VI information
  - Explanation of how to file a complaint
  - Available complaint forms
  - Current file containing complaints

All agencies applying for federal funds must have or will commit to having a Title VI plan and agree to comply with Title VI regulations prior to being awarded funding. The PTT Compliance Officer provides the following information to all subrecipients:

- Provides introduction to Title VI and its requirements for compliance.
- Provides Title VI posters requiring signatures and contact information.
  - Discusses required poster locations
- Discusses LEP and provides LEP tools.
- Provides and discusses Title VI complaint forms.
- Discusses required maintenance of a Title VI file readily available for review.
- Discusses the reporting requirements and the annual Certification and Assurances.
- Verifies Title VI requirements and description of lawsuits and complaints for the past year.

In addition, the PTT Compliance Officer conducts trainings as requested, and as changes in the law occur. The Compliance Officer is available any time as a technical resource for questions or concerns regarding Title VI and its requirements.



## **Title VI Certification and Assurance**

By signing a contract with the PTT, subrecipients agree to the annual list of Certifications and Assurances for FTA grants and agree to cooperate with agreements published each fiscal year.

### **Non-Compliance**

It is the responsibility of the subrecipient to comply with all federal and state requirements. It is PTT policy to provide prompt notice to subrecipients of any non-compliance issues; the PTT then works with subrecipients to identify corrective action plans. The PTT understands that circumstances may arise that cause non-compliance issues. However, ongoing or repeated issues, failure to correct noted issues in the time allowed, or ignoring PTT direction is not permitted and may result in probation, exclusion from future funding, or confiscation of property. The following outlines the process for non-compliance notification and action for all programs:

1. After 10 days, the Compliance Officer sends an informal e-mail. The Compliance Officer will also document delinquency.
2. After 20 days, the Program Manager sends a formal letter. The letter is included in the subrecipient's file.
3. After 30 days, the PTT Director sends a formal letter. Possible repercussions (at the discretion of the PTT Director) include:
  - a. Probation
    - i. Subrecipient may have to do additional reporting
    - ii. PTT may hold title beyond projected release date until subrecipient becomes and maintains compliance for a specified period of time
    - iii. Subrecipient's ability to receive future funding may be affected
  - b. Confiscation of vehicle
  - c. PTT reserves the right to use all means necessary to ensure compliance, including exclusion from future funding opportunities or current funding deobligation

### **Documentation**

All documentation of compliance and oversight activities is filed by the Compliance Officer in the compliance folder according to the documentation management/project controls folder and file structure.



## 4.7 Technical Assistance and Training

The PTT will provide technical assistance and training with emphasis on maximizing resources, developing competent transit management, and improving the effectiveness of transit operations. The PTT is available for various forms of technical assistance upon request, such as: project planning, program and management development, coordination of public and private transportation programs, and vehicle and equipment procurement. The PTT also offers ongoing PTT online training to new and existing subrecipients and is available to provide technical assistance on an as-needed basis for new regulations and policy revisions and upon request.

Although Section 5311(b)(3) funds support these activities where needed, RTAP funds are used primarily to provide training for local project administration and operations, driver training, and risk management training. The PTT utilizes its appropriated RTAP dollars to fund Utah's Urban and Rural Transportation Association (URSTA). URSTA is a statewide organization with the purpose of being an advocate for transit, increasing public awareness, hosting regional and statewide bus rodeos and providing a myriad of administrative and operational training opportunities. See [www.ursta.org](http://www.ursta.org) for more information.

The PTT also provides technical assistance for new subrecipients prior to or immediately after taking possession of the asset. This training provides a one-on-one opportunity for subrecipients to ask questions and the PTT to provide information on requirements for reporting, procurement, grant administration, project management, financial management, asset management, civil rights and Title VI, ADA, and other federal and state requirements.

The PTT conducts biennial program reviews (site visits) of its subrecipients. These reviews cover ADA, procurement, Title VI, EEO, asset management, and project management. In addition to providing the PTT with an opportunity to assure compliance, this serves as a technical assistance opportunity. The subrecipients may ask questions regarding federal and state requirements and the PTT provides valuable input on what is required and what is working well in other parts of the state.

### **Subrecipient Monitoring and Compliance**

UDOT provides a number of ongoing trainings upon request to ensure that each subrecipient is prepared for and compliant in the following:

- Application Requirements (5310, 5311, 5339)
- Reporting and Invoicing in the PTT online System (5304, 5310, 5311, 5339)
- Vehicle Procurement Procedures (5310, 5311, 5339)
- Civil Rights Requirements (ADA, Title VI, DBE, EEO) (5310, 5311, 5339)
- Drug and Alcohol Requirements (5311 & 5339)



- NTD Reporting (5310, 5311, 5339)
- Annual Financial Reporting (5311)
- Complementary Paratransit (5311)
- Surveillance Reporting (5310, 5311, 5339)
- Quarterly Reporting (5304, 5310, 5311, 5339)
- Procurement Procedures (5304, 5310, 5311, 5339)
- FTA Financial Requirements (5304, 5310, 5311, 5316, 5317, 5339)
- FTA Milestone submittal (5310, 5311, 5316, 5317, 5339)

UDOT also provides the following tools to aid subrecipients in the aforementioned areas of compliance:

- State Management Plan
- Procurement Guide
- Procurement reviews and assistance
- 5310 Program Compliance Manual
- 5311 Program Compliance Manual
- 5339 Program Compliance Manual
- Title VI Checklist
- Complementary Paratransit Checklist
- Application training
- PTT online training

See Chapter 5 of this document for compliance requirements for each program.

### **Civil Rights – Providing Assistance to Subrecipients**

The PTT and Civil Rights departments work to disseminate the appropriate Title VI information to regional AOGs around the state. In addition, they work with local planners to ensure that all segments of the population are informed of the available transportation programs, proposed projects, and ongoing transportation planning activities.

The PTT and Civil Rights departments are available to answer specific questions and provide technical assistance to all providers and applicants for FTA funds. Beyond scheduled compliance site visits, the PTT will also meet on-site when requested to provide any technical training or assistance needed.

The following checklist was created to assist UDOT and regional AOG staff in meeting Title VI requirements statewide:

1. Provide Title VI guidance and training materials to all known providers.



- a. Materials will include contact information for questions/concerns regarding Title VI
  - b. AOG contact information
  - c. Web link for UDOT Title VI plan/process, including:
    - i. Low-income and minority figures for each AOG
    - ii. Known providers in each AOG
    - iii. Largest employers and medical facilities in each AOG
  - d. Detailed and clearly outlined process for application and Title VI requirements/compliance
  - e. Additional sources for Title VI information
2. Ensure that all subrecipients have Title VI posters visibly and accessibly displayed in public areas and clearly posted in all vehicles.
3. Utilize demographic information to identify low-income, minority, and predominant minority populations.
4. Disseminate census data to known providers.
5. Provide Limited English Proficiency (LEP) instructions to identified populations. See UDOT Civil Rights website at: [www.udot.utah.gov/main/f?p=100:pg:0:::::T,V:198](http://www.udot.utah.gov/main/f?p=100:pg:0:::::T,V:198).
6. Identify and develop communication channels with minority populations and low-income populations in the AOG region.
  - a. Document all efforts to identify and create communication channels with the following population segments:
    - i. Individuals
    - ii. Organizations
    - iii. Institutions
    - iv. Community groups
    - v. Churches
7. Hold public meetings early in the year (spring/summer) to identify needs and opportunities.
  - a. Work closely with regional providers and other entities to develop eligible projects.
  - b. Utilize identified communication channels and strategies to reach out and inform low-income, minority populations, and predominant minority populations  
Strategies include but are not limited to:
    - i. Various meeting formats
    - ii. Alternative locations, facilities, and times
    - iii. Personal interviews/audio and video recording
    - iv. Alternative media (if available)
  - c. Document all outreach and coordination efforts, as well as efforts to overcome barriers to public participation.



8. Work with and encourage providers, specifically providers for the referenced population segments/communities, to apply for FTA program grants.
9. Utilize the identified communication channels and strategies to allow for comments on identified projects in the AOG region.
10. Document all steps taken to identify, reach out to, and inform Title VI populations.
11. Provide the PTT with an annual report of ongoing Title VI compliance efforts and maintain a permanent file for compliance review.
12. Provide an update to the local coordinated plan that includes Title VI needs and gaps, as needed, at least every three years.
13. Attend UDOT PTT/Civil Rights Title VI training as requested or required by UDOT.

#### 4.8 National Transit Database (NTD)

In the United States, transit ridership has grown by more than 20 percent in the last decade, reaching its highest levels since 1957. To keep track of the industry and provide public information and statistics as it continues to grow, FTA's National Transit Database (NTD) records the financial, operating, and asset condition of transit systems.

Those receiving funding from the Urbanized Area Formula Program (5307) or Rural Formula Program (5311) – are **required** to submit data to the NTD in uniform categories. More than 660 transit providers report to the NTD through the Internet-based system.

Agencies that receive funding from the Enhanced Mobility of Seniors & Individuals with Disabilities Program (5310) and participate in a local human services transportation plan providing client-based transportation services – services that can be used only by its clients – are **not required** to report to the NTD. These are not public transportation services because they are only open to a segment of the general public that is defined by being clients of the agencies and not, as required by the public transportation definition, a segment of the general public defined by age, disability, or low income. Therefore, only 5310 agencies that *provide public transportation* are eligible to report financial and operating information to the NTD. Participation in a local human services coordination plan by itself is not a sufficient condition for reporting to the NTD.

#### 4.9 Transit Asset Management (TAM)

In July 2016, FTA published a Final Rule for Transit Asset Management. The rule can be found at <https://www.transit.dot.gov/regulations-and-guidance/asset-management/national-transit-asset-management-system-final-rule>. The rule requires FTA grantees to develop asset management plans for their public transportation assets, including vehicles, facilities, equipment, and other infrastructure.

FTA is required to develop a rule to establish a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively through their entire life cycle, as mandated by the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP 21) and reauthorized in the Fixing America's Surface Transportation (FAST) Act. FTA's National Transit Asset Management System Rule:



- Defines “state of good repair” which is the condition in which a capital asset is able to operate at a full level of performance. A capital asset is in a state of good repair when that asset is able to perform its designed function, does not pose a known unacceptable safety risk, and its lifecycle investments must have been met or recovered
- Requires grantees to develop a TAM plan
- Establishes performance measures
- Establishes annual reporting requirements to the National Transit Database
- Requires FTA to provide technical assistance

The Final Rule groups providers into two categories: Tier I and Tier II

- Tier I operates rail, or has greater than 100 vehicles across all fixed route modes or one non fixed route mode
- Tier II are subrecipients of 5311 funds or American Indian Tribes, or has greater than 100 vehicles across all fixed route modes or one non fixed route mode

UDOT has developed a TAM plan under the Tier II category, which includes all subrecipients, except Cache Valley Transit District.

## **CHAPTER 5. FTA TRANSIT PROGRAMS MANAGED BY UDOT PTT**

The information in this chapter for Sections 5304, 5310, 5311, 5329, and 5339 is applicable to MAP-21 and FAST Act funding, meaning FFY2013 and beyond. Information in this chapter for Sections 5316 and 5317 is applicable for SAFETEA-LU funding, FY2012 and earlier. For additional information on Section 5311 for SAFETEA-LU funding, contact the Program Manager.

### **5.1 Section 5304 Program**

The Section 5304 Statewide Planning and Research program is part of UDOT Consolidated Planning Grant (CPG). These funds are to provide transportation planning activities statewide.

UDOT’s Finance and Planning Department prepares the MPO awards along with a letter to FTA requesting the 5304 funds be transferred to FHWA for distribution.

#### **Program Goals**

The goal of the Section 5304 program is to facilitate and improve planning activities that support the economic vitality of the area, increase transportation safety and security, increase mobility, enhance the connectivity of the transportation systems, and emphasize preservation of existing systems.

#### **Eligible Subrecipients**

PTT policy awards Section 5304 funds (upon request) to all rural AOGs and rural fixed route systems for local transit planning. Funds are used to meet transportation planning activities and feasibility studies.



### **Eligible Activities**

Section 5304 funds are utilized for statewide transit planning needs for areas outside the urbanized MPO boundaries; conduct transit feasibility studies; provide five-year transit development plans on a regional basis, as needed; and conduct special transit research studies. These funds are also used to identify transit program needs and to develop solutions for short- and long-range transportation plans. Examples include transit feasibility studies, agency capital improvement plans, etc. Funds are utilized by the AOGs around the state to maintain and update their regional coordinated plans (required by Section 5310 to be eligible).

### **Match Requirements**

Funds are apportioned to states by a formula that is based on information received from the latest census and the state's urbanized area as compared with the urbanized area of all states. PTT requires a federal share of 80 percent and a local match requirement of 20 percent (in-kind is not accepted).

### **Reporting/Performance Measures**

Reporting requirements have been established according to the 5304 requirements and based on project specifics. Performance measures are included in the subrecipient contract and required to be submitted quarterly by subrecipients.

### **Compliance**

UDOT PTT monitors each contract to make sure it meets the scope of work and meets 5304 planning regulations. Every contract and subcontract is monitored for compliance by reviewing appropriate expenditures and that the expenditures are related to the reporting/performance measures associated in the contract and scope of work.

## **5.2 Section 5310 Enhanced Mobility for Seniors and Individuals with Disabilities**

The Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities program provides formula funding to states for the purpose of assisting with transportation needs of seniors and individuals with disabilities when the transportation service provided is unavailable, insufficient, or inappropriate. MAP-21 combined portions of Section 5317 with Section 5310. Funds are apportioned based on each state's share of population.

### **Program Goals**

The goal of the Section 5310 program is to improve mobility for seniors and individuals with disabilities throughout Utah by removing barriers to accessing transportation services and expanding the transportation mobility options available. Toward this goal, FTA provides financial



assistance for transportation services planned, designed, and carried out to meet the special transportation needs of seniors and individuals with disabilities in all areas—urbanized, small urban, and rural. The program requires coordination with other federally assisted programs and services to make the most efficient use of federal resources. MAP-21 defined a “senior” as an individual who is 65 years of age or older.

### **Eligible Subrecipients**

The PTT administers and provides funding for small urban and rural areas—areas with populations less than 200,000.

Not less than 55 percent of Traditional 5310 funds shall be available for traditional Section 5310 projects. Eligible Subrecipients for traditional Section 5310 projects include:

- Private nonprofit organization; or
- A state or local governmental authority that:
  - Is approved by a state to coordinate services for seniors and individuals with disabilities; or
  - Certifies that there are no nonprofit organizations readily available in the area to provide the service

Governmental authorities eligible to apply for Section 5310 funds as “coordinators of services for seniors and individuals with disabilities” are those designated by the state to coordinate human service activities in a particular area. Examples of such eligible governmental authorities are a county agency on aging or a public transit provider which the state has identified as the lead agency to coordinate transportation services funded by multiple federal or state human service programs. If both a non-profit and governmental authority apply for the same eligible project, preference would be given to the non-profit.

### **Eligible Activities**

At least 55 percent of Section 5310 funds must be used for public transportation capital projects that are planned, designed, and carried out to meet the specific needs of seniors and individuals with disabilities. The only specific service area restriction is that the PTT only administers funds for the small urban and rural areas. Subrecipients may not purchase service using Section 5310 funds. Charter service, package delivery, and school transportation are not eligible expenses and are prohibited by PTT policy. Meal delivery service is only allowed if it does not conflict with the provision of transit services or result in a reduction of service to transit passengers.

In addition to the above required capital projects, up to 45 percent of an area’s apportionment may be utilized for additional public transportation projects that:



- Exceed the ADA minimum requirements
- Improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA-complementary paratransit service
- Provide alternatives to public transportation that assist seniors and individuals with disabilities with transportation

### **Eligible Capital Expenses That Meet the 55 Percent Requirement**

- Rolling stock and related activities for Section 5310-funded vehicles
  - Acquisition of ADA accessible expansion or replacement buses or vans, and related procurement, testing, inspection, and acceptance costs
  - Preventive maintenance (all maintenance costs related to vehicles and non-vehicles)
  - Radios and communication equipment
  - Vehicle wheelchair lifts, ramps, and securement devices
- Passenger facilities related to Section 5310-funded vehicles
  - Purchase and installation of benches, shelters, and other passenger amenities
- Support facilities and equipment for Section 5310-funded vehicles
  - Extended warranties that do not exceed the industry standard
  - Computer hardware and software
  - Transit-related intelligent transportation systems (ITS)
  - Dispatch systems
  - Fare collection systems
- Lease of equipment when lease is more cost effective than purchase. Note that when lease of equipment or facilities is treated as a capital expense, the recipient must establish criteria for determining cost effectiveness in accordance with FTA regulations, "Capital Leases," 49 CFR part 639 and OMB Circular A-94, which provides the necessary discount factors and formulas for applying the same
- Acquisition of transportation services under a contract, lease, or other arrangement. This may include acquisition of ADA-complementary paratransit services when provided by an eligible recipient or subrecipient. Both capital and operating costs associated with contracted service are eligible capital expenses. User-side subsidies are considered one form of eligible arrangement. Funds may be requested for contracted services covering a time period of more than one year. The capital eligibility of acquisition of services as authorized in 49 U.S.C. 5310(b)(4) is limited to the Section 5310 program
- Support for mobility management and coordination programs among public transportation providers and other human service agencies providing transportation. Mobility management is an eligible capital cost. Mobility management techniques may enhance transportation access for populations beyond those served by one agency or organization within a community. For example, a non-profit agency could receive Section 5310 funding to support the administrative



costs of sharing services it provides to its own clientele with other senior individuals and/or individuals with disabilities and coordinates usage of vehicles with other non-profits

Mobility managers build coordination among existing public transportation providers and other transportation service providers with the result of expanding the availability of service, but not the operation of services. Mobility management activities may include:

- Promotion, enhancement, and facilitation of access to transportation services, including the integration and coordination of services for individuals with disabilities, seniors, and low-income individuals.
- Support for short-term management activities to plan and implement coordinated services.
- Facilitation and coordination of entities and organizations focused on area mobility.
- Operation of transportation brokerages to coordinate providers, funding agencies, and passengers.
- Provision of coordination services, including employer-oriented transportation management organizations' and human service organizations' customer-oriented travel navigatorsystems and neighborhood travel coordination activities such as coordinating individualized travel training and trip-planning activities for customers.
- Development and operation of one-stop transportation traveler call centers to coordinate transportation information on all travel modes and to manage eligibility requirements and arrangements for customers among supporting programs.
- Operational planning for the acquisition of intelligent transportation system (ITS) technologies to help plan and operate coordinated systems inclusive of GIS mapping; GPS technology; and coordinated vehicle scheduling, dispatching, and monitoring technologies; as well as technologies to track costs and billing in a coordinated system and single smart customer payment systems. Acquisition of technology is also eligible as a standalone capital expense.
- Enhancement of the level of service by providing attendants or assisting riders through the door of their destination.
- Capital activities (e.g., acquisition of rolling stock and related activities, acquisition of services, etc.) to support ADA-complementary paratransit service may qualify toward the 55 percent requirement, so long as the service is provided by an eligible recipient/subrecipient and is included in the coordinated plan.

### **Other Eligible Capital and Operating Expenses**

- General. Up to 45 percent of a rural, small urbanized area, or large urbanized area's annual apportionment may be utilized for:



- Public transportation projects (capital only) planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable
- Public transportation projects (capital and operating) that exceed the requirements of ADA
- Public transportation projects (capital and operating) that improve access to fixed-route service and decrease reliance by individuals with disabilities on ADA-complementary paratransit service
- Alternatives to public transportation (capital and operating) that assist seniors and individuals with disabilities with transportation

Operating assistance for required ADA complementary paratransit service is not an eligible expense. Since the 55 percent requirement is a floor, and not a ceiling, the activities listed above, are eligible expenses for all funds available to a recipient under Section 5310. For example, mobility management and ITS projects may be eligible under both categories; the difference to note, in order for the project to qualify toward the 55 percent requirement, is that the project must meet the definition of a capital project, be specifically geared toward the target population, and carried out by an eligible subrecipient, which is limited for this category of projects. The list of eligible activities is intended to be illustrative, not exhaustive. FTA encourages recipients to develop innovative solutions to meet the needs of seniors and individuals with disabilities in their communities and discuss proposed projects with FTA regional staff to confirm eligibility.

- Public Transportation Projects that Exceed the Requirements of the ADA. The following activities are examples of eligible projects meeting the definition of public transportation service that is beyond the ADA:
  - Enhancing paratransit beyond minimum requirements of the ADA. ADA-complementary paratransit services can be eligible under the Section 5310 program in several ways:
    - Expansion of paratransit service parameters beyond the three-fourths mile required by the ADA
    - Expansion of current hours of operation for ADA paratransit services that are beyond those provided on the fixed-route services
    - The incremental cost of providing same day service
    - The incremental cost (if any) of making door-to-door service available to all eligible ADA paratransit riders, but not on a case-by-case basis for individual riders in an otherwise curb-to-curb system
    - Enhancement of the level of service by providing escorts or assisting riders through the door of their destination
    - Acquisition of vehicles and equipment designed to accommodate mobility aids that exceed the dimensions and weight ratings established for wheelchairs under the



ADA regulations, 49 CFR part 38 (i.e., larger than 30" x 48" and/or weighing more than 600 pounds), and labor costs of aides to help drivers assist passengers with oversized wheelchairs. This would permit the acquisition of lifts with a larger capacity, as well as modifications to lifts with a 600-pound design load, and the acquisition of heavier duty vehicles for paratransit and/or demand-response service in order to accommodate lifts with a heavier design load

- Installation of additional securement locations in public buses beyond what is required by the ADA
- Feeder Services. Accessible "feeder" service (transit service that provides access) to commuter rail, commuter bus, intercity rail, and intercity bus stations, for which complementary paratransit service is not required under the ADA.
- Public Transportation Projects that Improve Accessibility. The following activities are examples of eligible projects that improve accessibility to the fixed-route system.
  - Making accessibility improvements to transit and intermodal stations not designated as key stations. Improvements for accessibility at existing transportation facilities that are not designated as key stations established under 49 CFR 37.47, 37.51, or 37.53, and that are not required under 49 CFR 37.43 as part of an alteration or renovation to an existing station, so long as the projects are clearly intended to remove barriers that would otherwise have remained. Section 5310 funds are eligible to be used for accessibility enhancements that remove barriers to individuals with disabilities so they may access greater portions of public transportation systems, such as fixed-route bus service, commuter rail, light rail, and rapid rail. This may include:
    - Building an accessible path to a bus stop that is currently inaccessible, including curb cuts, sidewalks, accessible pedestrian signals, or other accessible features;
    - Adding an elevator or ramps, detectable warnings, or other accessibility improvements to a non-key station that are not otherwise required under the ADA;
    - Improving signage or wayfinding technology; or
    - Implementation of other technology improvements that enhance accessibility for people with disabilities including ITS.
  - Travel training. Training programs for individual users on awareness, knowledge, and skills of public and alternative transportation options available in their communities. This includes travel instruction and travel training services.
- Public Transportation Alternatives that Assist Seniors and Individuals with Disabilities with Transportation. The following activities are examples of projects that are eligible public transportation alternatives:
  - Purchasing vehicles to support accessible taxi, ride-sharing, and/or vanpooling programs. Section 5310 funds can be used to purchase and operate accessible vehicles for use in taxi, ride-sharing, and/or vanpool programs provided that the vehicle meets the same requirements for lifts, ramps, and securement systems specified in 49 CFR



part 38, subpart B, at a minimum, and permits a passenger whose wheelchair can be accommodated pursuant to part 38 to remain in his/her personal mobility device inside the vehicle.

- Supporting the administration and expenses related to voucher programs for transportation services offered by human service providers. This activity is intended to support and supplement existing transportation services by expanding the number of providers available or the number of passengers receiving transportation services. Vouchers can be used as an administrative mechanism for payment of alternative transportation services to supplement available public transportation. The Section 5310 program can provide vouchers to seniors and individuals with disabilities to purchase rides, including: (a) mileage reimbursement as part of a volunteer driver program; (b) a taxi trip; or (c) trips provided by a human service agency. Providers of transportation can then submit the voucher for reimbursement to the recipient for payment based on predetermined rates or contractual arrangements. Transit passes or vouchers for use on existing fixed-route or ADA complementary paratransit service are not eligible. Vouchers are an operational expense which requires a 50/50 (federal/local) match.
- Supporting volunteer driver and aide programs. Volunteer driver programs are eligible and include support for costs associated with the administration, management of driver recruitment, safety, background checks, scheduling, and coordination with passengers, other related support functions, mileage reimbursement, and insurance associated with volunteer driver programs. The costs of enhancements to increase capacity of volunteer driver programs are also eligible. FTA encourages communities to offer consideration for utilizing all available funding resources as an integrated part of the design and delivery of any volunteer driver/aide program.

### **Match Requirements**

The match or local share, its amount, and composition are declared at the time of contract negotiation.

The federal share of eligible capital costs may not exceed 80 percent of the net cost of the activity, leaving the local share of capital costs at no less than 20 percent of the net cost of the activity. The PTT does not allow higher federal share rates for bicycle access and transport or for vehicle-related equipment. The federal share of eligible operating costs may not exceed 50 percent of the net cost of the activity, leaving the local share of operating costs at no less than 50 percent.

The PTT does not allow use of a sliding scale based on the ratio of designated state public land areas to the total state area. The local share may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a state or local service



agency or private social service organization, or new capital. Some examples of these sources of local match include: state or local appropriations, dedicated tax revenues; private donations, revenue from service contracts, toll revenue credits, and net income generated from advertising and concessions. In addition, the local share may be derived from federal programs that are eligible to be expended for transportation, other than USDOT programs, or from USDOT's Federal Lands Highway Program. Examples of types of programs that are potential sources of local match include: employment, training, aging, medical, community services, and rehabilitation services. The PTT does not allow the use of in-kind sources as local match.

### **Reporting/Performance Measures**

The purpose of reporting is to ensure that the federal investment is being well maintained, safe, and unbiased in service. The PTT requires that agencies report up to the useful life benchmark) or until the vehicle has less than a \$5,000 resale value. At that point, the title will be given to the subrecipient and the lien released. During the useful life period, subrecipients are responsible for reporting various information regarding expenses, ridership, maintenance, and usage/activity through the course of the year. Reports include:

- Quarterly report
- Surveillance report
- Preventive maintenance
- Accidents/Incidents

### **Quarterly Report**

The quarterly report is a subrecipient's responsibility until the PTT releases the title. As the name implies, these reports are due at the end of each quarter. See due dates in Table 5.1, below.

**Table 5.1: Quarterly Report Due Dates**

Quarter #	Date	Report Due Date
Quarter 1	October 1 – December 31	January 15
Quarter 2	January 1 – March 31	April 15
Quarter 3	April 1 – June 30	July 15
Quarter 4	July 1 – September 30	October 15

The report, generated via PTT online, includes the following (report is also found online):

- Number of days out of the quarter the vehicle(s) was in service
- Total hours driven
- Number of requests for services denied
- Number of one-way trips (each time a passenger boards) for seniors and/or individuals with disabilities over 65 years of age



- Number of one-way trips for individuals with disabilities under 65 years of age
- End of quarter odometer reading

For contracts other than for vehicles, performance measures may be included in the contract. Reporting for these measures would be required quarterly as well.

### Surveillance Report

The surveillance report requires subrecipient to thoroughly review the vehicle(s) and all accessories (lifts, signage, securements, etc.). The report is generated via PTT online and must be completed and sent to the Compliance Officer twice a year, by April 15 and October 15 (see Table 5.2).

**Table 5.2: Surveillance Report Due Dates**

Report	Report Due Date
Surveillance Report #1	April 15
Surveillance Report #2	October 15

Table 5.3, below, is the inspection section of the report. All items must be inspected. If an item is not applicable, the subrecipients must enter N/A. If an item is not in good working order, “F” (fail) must be selected. If an item is working appropriately, “P” (pass) must be selected. The # (number) indicates the number of days that the subrecipient has to respond/fix an issue. If a “0” is selected, the issue must be fixed immediately and the vehicle must not be used until the problem is fixed.

**Table 5.3: Surveillance Inspection Form**



**VEHICLE SURVEILLANCE INSPECTION**

DATE: \_\_\_\_\_

TRANSPORTATION PROVIDER NAME: \_\_\_\_\_

Make	Vehicle Year	V.I.N. (last 4 digits)	Plate Number	Odometer
Documents kept in vehicle (please check if present) *Registration <input type="checkbox"/> *Insurance Card <input type="checkbox"/> *DMV Inspection Sticker <input type="checkbox"/>				

All items must be inspected. If an item is not applicable to this vehicle, place "N/A" in the adjacent box.  
Check "✓" appropriate box P = Pass F = Fail # = number of days to correct failure

EXTERIOR	P	F	#	SAFETY EQUIPMENT	P	F	#	INTERIOR	P	F	#
Body damage			-	Triangles (3)			1	Mirrors			2
Windows			2	First Aid Kit			2	Lights			3
*2 Outside Mirrors			0	Blood Borne Pathogen Kit			3	Horn			2
Reflector/marker/clearance			2	Seat Belt Cutter			5	Seats			2
*Turn Signals			0	Fire Extinguisher			2	*Seat Belts			0
*Four Way Flashers			0	Rear Door Buzzer			3	AC/Heat/Defroster			2
*Tires front 4/32 rear 2/32			0	Exit Windows/Buzzers			3	*Wipers			0
*Headlights high and low			0	Roof Hatch			3	Gauges and Indicators			2
*Parking lights			0					*Brakes (Foot/Parking)			0
*Brake lights			0					Cleanliness			2
Cleanliness			2								

SIGNAGE	P	F	#	LIFT	P	F	#	SECUREMENTS	P	F	#
Buckle Up (or equivalent)			5	*Interlocks			0	*Belt (4 or 8 floor)			0
Emergency Exits			3	Level Platform			3	*Lap Belt			0
Lift Operating Instructions			5	Lift Light			1	*Shoulder Belt			0
Vehicle Height			5	*Electric Wires (cut, frayed)			0				
Title VI Poster				*Hand Pump			0				
LEP Information Available				Hand Rails on Lift (2)			1				
				Lift Cycle Counter Value =							

Comments and Observations of Inspector:

Items that are **\*bolded** may be placed out of service for failing inspection. The vehicle may not be returned to service until defect is repaired and the Agency Administrator is notified of the repairs. Body damage depending on severity should be repaired as soon as possible.

Agency Administrator:

Inspector:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

This document can be completed by agency personnel and is a tool for you to monitor the maintenance source you are using. For questions, please contact Raymond Earl, PTT Program Compliance Manager, 385-209-3776. Inspections are to be performed on April 1 and October 1 and the completed inspection entered into PTT Online at:

<https://www.udot.utah.gov/public/ptt/f?p=131:101:1166169282072515>



The Compliance Officer is required to follow up immediately if a “O” is selected, within the number of days indicated, to verify that the problem has been addressed. If the problem has not been addressed within that time period, the vehicle is required to be grounded until the subrecipient has addressed the problem.

### **Preventive Maintenance**

PTT policy requires preventive maintenance to be performed at the intervals shown in the approved maintenance plan. Whenever preventive maintenance is performed, subrecipients are required to complete the preventive maintenance report in PTT online. The report includes entering the date and mileage when the maintenance was done. PTT online compares the mileage to the scheduled mileage and provides PTT staff notification if requirements are not met.

### **Annual Reports**

#### Federal Financial Report (FFR)

The purpose of the FFR is to provide a current, complete, and accurate financial picture of the grant. It is prepared on the accrual basis of accounting. It contains financial facts, financial data, and is based on required supporting documentation.

#### Milestone Progress Report (MPR)

The MPR is the primary written communication between the direct recipient and FTA. It is used to track progress at the budget level. The MPR is initially based on the milestone schedule completed when the application is first created, submitted, and approved. The electronic grants system also allows for milestones to be added at the project and scope levels.

#### Ride Report

This report consists of service information and operating costs. The following items are included for each subrecipient: vehicle count, titles released for that year, number of days, hours, and miles of service provided, total number of passenger trips broken out by type, service denials, and total operating costs for the year. This is the “Performance Measures” report on the “Reports” tab in PTT online.

#### Gaps in Service Report

This report contains the subrecipient address, counties served, the number of people (population) eligible for Section 5310 service, and the total number of trips provided for the year. Population data is added from the most recent census. Estimated trips are added by appending the data from the Ride Report.



## **Compliance**

FTA looks to the states to ensure subrecipients are compliant with federal and state regulations. For the eligible activities in this program, this includes compliance in areas such as procurement, asset management (use, protection, maintenance, etc.), civil rights and Title VI, ADA, and DBE. The PTT requires all subrecipients to follow PTT's policies and procedures. As part of PTT's compliance program, site visits and inspections are performed for each subrecipient at least biennially.

See Sections 4.5 and 4.6 for additional information on asset management, oversight and compliance procedures and requirements.

## **Site Visit and Inspection**

Site visits and inspections are performed by the Compliance Officer and include a comprehensive review of the funded activities. The purpose of the site visit is to verify that each facility and/or vehicle is being used for the intended purpose; procurement documentation is being maintained; maintenance is being performed and is effective; Title VI posters are current and posted in necessary areas; ADA features are adequate and functioning properly; insurance and registration are current and adequate; and an opportunity for technical assistance is provided for the subrecipients. The Compliance Officer is always available and is expected to provide assistance as needed.

The Compliance Officer will contact each subrecipient at least three days in advance to schedule site visits and inspections. The PTT understands schedules are demanding and will work with Subrecipients to establish convenient dates and times; however, subrecipients are expected to be in compliance at all times and the PTT may perform unannounced site visits and inspections. As part of the scheduling process, the Compliance Officer will provide an agenda. Typical activities include, but are not limited to, reviewing Title VI posters and locations; performing surveillance inspections on vehicles including inspection of ADA features; riding along on vehicles during service hours; interviewing drivers; reviewing documentation for procurement, maintenance, and usage of equipment; reviewing insurance documentation; and reviewing DBE documentation. A representative of the subrecipient must be available during the site visit to answer questions and provide documentation as requested.

In conjunction with the site visit, the Compliance Officer may request copies of documentation for the PTT's files. Additionally, any findings of PTT online report reviews will be reviewed and discussed with the subrecipient for feedback, technical assistance, and troubleshooting. Once the site visit and inspection is complete, the Compliance Officer documents the findings in a final report that is then sent to the subrecipient and Program Manager. Any follow-up items with time frames for responses are identified in this report. It is the subrecipient's responsibility to address



items requiring follow-up. It is the Compliance Officer's responsibility to track and verify follow-up items are addressed and documented.

### **Reporting and Day-to-Day Oversight (Alerts Generated by PTT online)**

As described below, three alerts are generated by PTT online and e-mailed to the Compliance Officer: the low vehicle usage alert, preventive maintenance alert, and accident/incident alert. The goals of these alerts are to:

- Quickly identify and correct problems
- Identify issues and patterns (consistent issues)

#### Low Vehicle Usage Alert

Daily usage reports must be entered into PTT online to ensure that vehicles are being used as they were originally intended. This data is intended to be entered daily. Required information includes:

- Miles driven
- Number of passengers
- Type of passengers (e.g., over the age of 65, younger than 65, low income, persons with disabilities)

If the vehicle has been idle for more than seven days, PTT online sends an email alert to the PTT. The Compliance Officer must review the usage data in PTT online and compare recent usage to the estimated usage in the funding application. If usage is well below the estimate or the Compliance Officer believes there is an issue, the Compliance Officer must contact the subrecipient to inquire about the lack of vehicle usage and/or updates.

#### Preventive Maintenance Alert

The subrecipient is responsible for ongoing maintenance and entering all of the required data into the PTT online maintenance module. When preventive maintenance is not performed on schedule, an e-mail alert is sent to the Compliance Officer and subrecipients. The Compliance Officer must follow up with the subrecipient to ensure preventive maintenance is performed immediately. The PTT either provides a maintenance plan based on manufacturer's recommendations or the subrecipient can submit their own plan for approval. All plans must meet the minimum manufacturer requirements for maintenance. If the subrecipient opts not to use a PTT-provided plan, the subrecipient will be responsible for submitting all manufacturer requirements to PTT for plan development. A binder with a detailed maintenance schedule will be given to each subrecipient as they take possession of the vehicle.

The subrecipient is expected to have the necessary maintenance performed immediately and enter the required information into PTT online.



## Accident/Incident Alert

### *Minor Accidents/Incidents*

The subrecipient is required to enter information into PTT online and an e-mail alert is sent to the Compliance Officer. The Compliance Officer must then complete the following tasks:

- Contact the subrecipient and set a deadline for repair (possibly require photos or on-site visit).
- Follow up on deadline.
- Follow up on insurance proceeds (for totaled vehicles, FTA requires the 80 percent payback if the totaled vehicle payout is above \$5,000).

### *Serious Accidents/Incidents*

The definition of a serious accident as outlined by FTA includes but is not limited to those involving a fatality or any accident that results in serious injury. The definition of a serious incident as outlined by FTA includes, but is not limited to, damaged transit equipment and/or facilities or suspension of regularly scheduled transit service caused by a natural disaster. In the case of a serious accident and/or incident, the subrecipient must contact the PTT Director or any other PTT staff immediately. If an accident involves a total loss of property or a potential lawsuit, the PTT will notify FTA Region VIII. The PTT will complete the same tasks as in the case of a minor accident. An accident reporting form should be available in each vehicle. The form should be filled out at the scene and given to the County Insurance Coordinator. Accident/incident information includes:

- Date of occurrence
- Time of occurrence
- Location of occurrence
- Description of occurrence
- Copies of witness reports
- Number of fatalities
- Number of persons injured
- Extent of injuries
- Extent of damages
- Photographs of damage
- Copy of police report
- Copy of insurance information
- Drug and alcohol test report
- In case of incident if any assistance is required from UDOT

## **5.3 Section 5311 Formula Grants for Rural Areas**

The Section 5311 Formula Grants for Rural Areas program provides formula funding for the purpose of supporting public transportation for people living in areas with populations less than



50,000. MAP-21 combined Section 5316 with Section 5311. Section 5311 includes formula funding to states to support the development and maintenance of job access and/or reverse commute projects designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment. These grant funds are intended to provide capital and operating assistance within rural areas (populations less than 50,000).

### **Program Goals**

The goals of the rural formula program are to:

- Enhance the overall mobility of people living in rural areas; Section 5311 projects may include transportation to and from a rural area
- Enhance the access of people in non-urbanized areas to healthcare, shopping, education, employment, public services, and recreation
- Assist in the maintenance, development, improvement, and use of public transportation systems in rural and small urban areas
- Encourage and facilitate the most efficient use of all federal funds used to provide passenger transportation in non-urbanized areas through the coordination of programs and services
- Assist in the development and support of intercity bus transportation
- Provide for the participation of private transportation providers in non-urbanized transportation to the maximum extent feasible
- Improve access to transportation services to employment and employment-related activities for eligible low-income individuals
- Transport residents of urbanized areas and non-urbanized areas to suburban employment opportunities

### **Eligible Subrecipients**

Eligible subrecipients for the Section 5311 program include:

- State or local governmental authority, which is defined as the following:
  - A political subdivision of a state
  - An authority of at least one state or political subdivision of a state
  - An Indian tribe, both federally recognized and other Indian tribes
  - A public corporation, board, or commission established under the laws of a state
- Private non-profit organizations
- Operators of public transportation or intercity bus service that receive FTA grant funds indirectly through a recipient

Note that private for-profit operators of public transit services or intercity bus services may participate in the program as third-party contractors for direct subrecipients.



PTT requires potential applicants to conduct and document a feasibility study with, but not limited to, the following documentation:

- The need for a public transportation system in the planning area
- Community support for a public transportation system
- The extent of commitment from local organizations and existing transportation providers to coordinate services
- Documentation of projected revenues and expenses
- Financial and managerial capabilities of the applicant
- The extent to which the project will comply with federal regulations concerning EEO, Title VI, DBE, Section 13(c), and Section 504/ADA

### **Eligible Activities**

FTA defines eligible service areas for the rural program as those areas outside urbanized and small urban areas. Funds may be used for public transportation projects and intercity bus transportation projects in any area outside of an urbanized and small urban area. Areas not currently within these areas are eligible for Section 5311 funding even if they are included within the metropolitan area planning boundary, which includes the surrounding area expected to be urbanized within 20 years and/or the air quality non-attainment boundary.

Since the goal of Section 5311 is to enhance the overall mobility of people living in rural areas, Section 5311 projects may include transportation to and from urbanized areas. The service area may also include destinations across a state line to enhance coordination with neighboring states. Operators of interstate service are required to comply with FMCSA regulations.

In some locales, a subrecipient receives both Section 5307 and 5311 funding to provide public transportation to urbanized and surrounding areas. These subrecipients should use Section 5311 funds only to assist the rural portion of those locales. Section 5311 funded services must be designed to maximize use by members of the general public who are transportation disadvantaged, including seniors and individuals with disabilities.

Eligible expenses are capital, operating, and project administrative expenses. Capital expenses are eligible for projects that include the acquisition, construction, and improvement of public transit facilities and equipment needed for a safe, efficient, and coordinated public transportation system as well as certain other expenses classified as capital in Section 5302(a)(1). Maintenance is treated as an operating expense. Examples of eligible expenses include, but are not limited to:



- Capital expenses:
  - Accessible buses or vans
  - Radios and communication equipment
  - Passenger shelters, bus stop signs, park-and-ride lots, and similar passenger amenities
  - Vehicle rehabilitation, remanufacture, or overhaul
  - Extended warranties that do not exceed the industry standard
  - Operational support such as computer hardware or software, installation costs, vehicle procurement, testing, inspection, and acceptance costs
  - Construction or rehabilitation of transit facilities including design, engineering, and land acquisition
  - Facilities to provide access for bicycles to transit facilities
  - Equipment for transporting bicycles on transit vehicles
  - The introduction of new technology, through innovative and improved products, into public transportation
  - Mobility management (see discussion below)
  - Safety and security equipment and facilities (including surveillance and related intelligent transportation system applications)
  - Transit-related ITS
- Net operating expenses: Operating expenses are those costs directly related to system operations. Only net operations expenses are eligible for assistance.
  - Fuel
  - Oil
  - Drivers' salaries and fringe benefits
  - Dispatchers' salaries and fringe benefits
  - Licenses directly related to system operation
  - Preventive maintenance, defined as all maintenance costs
- Administrative expenses (non-operating expenses)
  - Salaries of project director, secretary, and bookkeeper
  - Marketing expenses
  - Insurance premium
  - Office supplies
  - Facilities and equipment rental
  - Standard overhead rates; costs of administering drug and alcohol testing
- Mobility management:
  - Mobility management is an eligible capital cost. Mobility management techniques may enhance transportation access for populations beyond those served by one agency or organization within a community. For example, a non-profit agency could receive Section 5310 funding to support the administrative costs of sharing services it provides to its own clientele with other senior individuals and/or individuals with disabilities and coordinates usage of vehicles with other non-profits.



- Mobility managers build coordination among existing public transportation providers and other transportation service providers with the result of expanding the availability of service, but not the operation of services.
- Mobility management activities may include:
  - The promotion, enhancement, and facilitation of access to transportation services, including the integration and coordination of services for individuals with disabilities, seniors, and low-income individuals. Support for short-term management activities to plan and implement coordinated services.
  - Facilitation and coordination of area mobility focused entities and organizations.
- Planning:
  - Studies related to management, planning, operations, capital requirements, and economic feasibility.
  - Evaluating previously financed projects.
  - Peer reviews and exchanges of technical data, information, assistance, and related activities in support of planning and environmental analysis among metropolitan planning organizations and other transportation planners.
  - Other similar and related activities preliminary to and in preparation for constructing, acquiring, or improving the operation of facilities and equipment.

### **Job Access and Reverse Commute Projects**

MAP-21 created a new eligible project category for “job access and reverse commute projects” under Section 5311. This category includes all types of projects that were formerly eligible under the Section 5316 Job Access and Reverse Commute Program. There is no requirement or limit to the amount of Section 5311 funds that can be used for these projects.

A job access and reverse commute project is defined in 49 U.S.C. 5302(9) as:

“A transportation project to finance the planning, capital and operating costs that support the development and maintenance of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including transportation projects that facilitate the provision of public transportation services from urbanized areas and rural areas to suburban employment locations.

### **Job Access Reverse Commute projects must meet the following requirements:**

- New and Existing Services: Eligible job access and reverse commute projects must provide for the development or maintenance of eligible job access and reverse commute services. In order to be eligible as a job access and reverse commute project, a proposed project must qualify as either a “development project” or “maintenance project” as follows:



- Development Projects. “Development of transportation services” means new projects that meet the statutory definition and were not in service as of the date MAP-21 became effective, October 1, 2012. This includes projects that expand the service area or hours of operation for an existing service. Projects for the development of new qualifying job access and reverse commute projects must be identified as such in the recipient’s program of projects (POP). (See Appendix B.)
- Maintenance Projects. “Maintenance of transportation services” means projects that continue and maintain job access and reverse commute projects and services that received funding under the former Section 5316 program or were previously funded as JARC projects under Section 5311 program.
- Reverse Commute Projects: Reverse commute projects are a category of job access and reverse commute projects that provide transportation services from urbanized and rural areas to suburban employment locations. Generally, these services increase the capacity of public transportation services operating in the reverse direction of existing peak services. Reverse commute projects may only qualify as job access and reverse commute projects under Section 5311 if they meet all other requirements, including having been designed to transport welfare recipients and eligible low-income individuals to and from jobs and employment-related activities.
- Welfare Recipients and Eligible Low-Income Individuals: Projects funded as “job access and reverse commute projects” must be designed to provide transportation for welfare recipients and eligible low-income individuals. The term “low-income individual” is defined as an individual whose family income is at or below 100 percent of the poverty line, as that term is defined in Section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section, for a family of the size involved. Projects that serve the general public without specific route or design characteristics intended to respond to the needs of these populations may not be eligible as a job access and reverse commute project. However, job access and reverse commute projects do not need to be designed exclusively for these populations.
- Planning and Program Development: In order for an entity to receive Section 5311 funding for a job access and reverse commute project, the project must be identified by the recipient as a job access and reverse commute project in the recipient’s program of projects (POP), which must be made available for public review and comment.

**Job Access Reverse Commute Eligible Activities Include:**

- Late-Night and weekend service
- Guaranteed ride home service
- Shuttle service
- Expanding fixed route public transit routes, including hours of service or coverage



- Demand-responsive van service
- Ridesharing and carpooling activities
- Transit-related aspects of bicycling (such as adding bicycle racks to vehicles to support individuals that bicycle a portion of their commute, providing secure bicycle parking at transit stations, or infrastructure and operating expenses for bicycle sharing programs in the vicinity of transit stations, but does not include the acquisition of bicycles).
- Promotion, through marketing efforts, of the:
  - use of transit by low-income individuals and welfare recipients with nontraditional work schedules
  - use of transit voucher program by appropriate agencies for welfare recipients and other low-income individuals
  - development of employer-provided transportation such as shuttles, ridesharing, carpooling; or use of transit pass programs and benefits under Section 132 of the Internal Revenue Code of 1986
- Supporting the administration and expenses related to voucher programs. This activity is intended to supplement existing transportation services by expanding the number of providers available or the number of passengers receiving transportation services. Vouchers can be used as an administrative mechanism for payment to providers of alternative transportation services. Job access and reverse commute projects can provide vouchers to low-income individuals to purchase rides, including:
  - mileage reimbursement as part of a volunteer driver program
  - a taxi trip
  - trips provided by a human service agency
- Providers of transportation can then submit the voucher to the FTA recipient or subrecipient administering the project for payment based on predetermined rates or contractual arrangements. Transit passes for use on fixed route or Americans with Disabilities Act of 1990 (ADA) complementary paratransit service are not eligible. Vouchers are an operational expense which requires a 50 percent local match.
- Supporting local car loan programs that assist individuals in purchasing and maintaining vehicles for shared rides, including the provision of capital loan guarantees for such car loan programs, provided the federal interest in the loan guarantee fund is maintained and the funds continue to be used for subsequent loan guarantees or are returned to the government upon the release of funds from each guarantee.
- Implementing intelligent transportation systems (ITS), including customer trip information technology, vehicle position monitoring systems, or geographic information systems (GIS) software.
- Integrating automated regional public transit and human service transportation information, scheduling, and dispatch functions.



- Subsidizing the costs associated with adding reverse commute bus, train, carpool van routes, or service from urbanized area and nonurbanized areas to suburban work place.
- Subsidizing the purchase or lease by a nonprofit organization or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace.
- Otherwise facilitating the provision of public transportation service to suburban employment opportunities.
- Supporting mobility management and coordination programs among public transportation providers and other human service agencies providing transportation. Mobility management techniques may enhance transportation access for populations beyond those serviced by one agency or organization within a community. For example, under mobility management, a nonprofit agency could receive job access and reverse commute funding to support the administrative costs of sharing services it provides to its own clientele with other low-income individuals and coordinate usage of vehicles with other nonprofits, but not the operating costs of the service. As described under “Capital Projects,” mobility management is intended to build coordination among existing public transportation providers and other transportation service providers with the result of expanding the availability of service.

### **Non-eligible expenses**

Non-eligible expenses include: charter bus, meal delivery, package delivery, and school transportation. Transit passes for use on fixed-route or ADA complementary paratransit services are not eligible.

### **Match Requirements**

After the apportionment of 15 percent of UDOT’s full Section 5311 grant to intercity bus programs, federal and local matches apply for both Section 5311 and Section 5311(f) as described below.

The federal share of eligible capital costs may not exceed 80 percent of the net cost of the activity, leaving the local share of capital costs at no less than 20 percent of the net cost of the activity. The federal share of eligible net operating costs may not exceed 50 percent, leaving a local share of not less than 50 percent (minus fare revenue). The federal share of eligible program administrative expenses is 80 percent, leaving the local share at no less than 20 percent. The PTT does not allow higher federal share rates for bicycle access and transport or for vehicle-related equipment or facilities required by the ADA or Clean Air Act. The PTT does not allow use of a sliding scale based on the ratio of designated state public land areas to the total state area.

The local share may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a state or local service agency or private social service organization, or new capital. Examples of these local match sources include: state or local appropriations, dedicated tax revenues, private donations, revenue from service contracts, toll



revenue credits, and net income generated from advertising and concessions. In addition, the local share may be derived from federal programs that are eligible to be expended for transportation, other than USDOT programs, or from USDOT's Federal Lands Highway Program. Examples of types of programs that are potential sources of local match include: employment, training, aging, medical, community services, and rehabilitation services.

### **Reporting/Performance Measures**

Compliance requirements are much more rigorous due to the type of services funded by Section 5311. If applicable, reporting requirements may include:

- NTD
- Drug and Alcohol
- Complementary Paratransit
- EEO
- Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- DBE
- Quarterly Report (procurement and construction projects only)
- Surveillance Report
- Preventive Maintenance
- Accidents/Incidents

### **Federal Financial Report (FFR)**

The purpose of the FFR is to provide a current, complete, and accurate financial picture of the grant. It is prepared on the accrual basis of accounting. It contains financial facts, financial data, and is based on required supporting documentation.

### **Milestone Progress Report (MPR)**

The MPR is the primary written communication between the direct recipient and FTA. It is used to track progress at the budget level. The MPR is initially based on the milestone schedule completed when the application is first created, submitted, and approved. The electronic grants system also allows for milestones to be added at the project and scope levels.

### **NTD**

The 5311 Program Manager is required to enter subrecipient data into the NTD website at <https://www.transit.dot.gov/ntd> (subrecipients are not permitted to do so). The PTT is required to submit data to the NTD by the end of January. As a result, subrecipients are required to submit their data to the PTT by January 20 each year. Since the fiscal year varies per subrecipient, subrecipients are required to submit their previous FY data. If NTD modifies submittal requirements, a notice will be sent to the Program Manager three months in advance. The Program Manager will ensure that the PTT online system reflects these changes.



Changes are also posted on the NTD website at: <https://www.transit.dot.gov/ntd/federal-register-notice-rules-regulations>. An extensive online rural reporting manual is published annually and found at the same link.

If errors in the submittal are identified, the NTD will send a validation report via e-mail. The PTT must follow up with the subrecipients to obtain corrections and then resubmit the data to the NTD.

While there are several forms associated with the NTD, the PTT is required to submit the following forms, which are described below:

- Agency Identification
- Rural General Public Transit
- Intercity Bus

#### Agency Identification Form

Collects contact information for the state agency or Indian tribe reporting directly to the NTD. Contact information is collected for the director of the transit unit and for the rural contact person. The NTD pre-fills information on this form from the prior report year. The Program Manager updates any information that has changed. Saving this form will generate each subrecipient's RU-20 form from the prior report year, pre-filled with the basic agency and contact person information and the revenue vehicle fleet data. Saving the RU-10 form will also generate the RU-30 form and reveal the "Add Form," "Print All," and "Submit Report" buttons.

#### Rural General Public Transit Form

Collects key financial and operating information on each subrecipient. Data collected includes the subrecipient's name and information, modes operated, service area, annual operating expenses, sources of operating revenues, annual capital costs, sources of capital funds, number of vehicles and characteristics, number and ownership of maintenance facilities, volunteer resources, annual vehicle revenue miles, annual vehicle revenue hours, annual unlinked passenger trips, and safety information.

The Program Manager completes a separate form for each subrecipient, and includes information on all general public transit operations of the subrecipient in the report.

#### Intercity Bus Form

Collects key financial and service information on subrecipients of the intercity bus funds set aside under 49 USC 5311(f). This form should be used only for private intercity bus providers. Data collected includes the subrecipient's name and information, modes operated, service area, 5311 funds, annual vehicle revenue miles, and annual unlinked passenger trips.



## **Drug and Alcohol Report**

FTA sends the PTT Director a drug and alcohol report notice with a new username and password. The director forwards the document to the PTT's contracted drug and alcohol compliance manager. The contractor works closely with the subrecipients to ensure that each is ready to submit their report no later than March 15 of each year. Subrecipients enter their reports into the Motor Carrier Management Information System, which is a part of the FMCSA <https://www.fmcsa.dot.gov/regulations/drug-alcohol-testing-program>. The drug and alcohol contractor reviews the reports and sends an e-mail to the director to review and approve each report.

While the drug and alcohol contractor is responsible for ensuring that subrecipients have compliant drug and alcohol programs, the Compliance Officer is responsible for ensuring that each subrecipient is meeting all compliance standards. As a result, the Compliance Officer should stay current on evolving federal drug and alcohol compliance standards and requirements.

## **Complementary Paratransit Plan**

Submittal of a complementary paratransit plan is only necessary when the subrecipient has a new or updated plan. These plans are due to the Compliance Officer by January 15 and to FTA Region VIII Civil Rights division by January 26<sup>th</sup>. Subrecipients are required to submit their plan to the Compliance Officer. The Compliance Officer compares the plan to the PTT Complementary Paratransit Checklist <http://www.udot.utah.gov/main/f?p=100:pg:0:::1:T,V:3209>. Once approved, the Compliance Officer submits the plan to FTA for approval. Files are saved electronically in the individual agency folders.

## **EEO Plan**

EEO plans and updated plans are due to FTA the first week of June. Reporting is required if the subrecipient has a staff of 50 or more and accepts \$1 million or more in capital or operating federal funds, or \$250,000 or more in planning federal funds. Somewhat different EEO requirements apply to all construction projects over \$10,000. Currently, Park City and CVTD are the two agencies required to submit an updated EEO plan. FTA Civil Rights reviews both plans. When FTA approves the plan, a copy is forwarded to the Program Manager to upload into the PTT system. If additional agencies are required to submit plans, the PTT will work with FTA to identify a process for review and approval.

## **Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards**

The deadline for submitting a Single Audit is based on the subrecipient's audit schedule. Subrecipients that have accepted \$750,000 or more of combined federal funds in the past year are required to complete and submit a Single Audit. At a minimum, the PTT requires subrecipients to



bring to the PTT's attention any audit findings relevant to their use of FTA funds. The subrecipient is required to resolve these findings within six months of the audit date, and the PTT monitors subrecipients to ensure findings are resolved. UDOT's Internal Audit division reviews audits and the PTT Director reviews the audit results for findings related to FTA funds. If there are findings related to FTA funds, the PTT Director ensures the subrecipient is followed up with and findings are resolved.

## **DBE**

The FTA Office of Civil Rights is responsible for monitoring FTA recipients' DBE programs and ensuring their compliance with DOT's DBE regulations found at 49 CFR Part 26. Subrecipients are required to submit the Uniform Report of DBE Commitment and Awards and Payments to the PTT by May 25 and November 25 of each year for the applicable reporting period. The Compliance Officer enters the report into TrAMS.

## **Compliance**

See Sections 4.5 and 4.6 for asset management, oversight and compliance procedures and requirements.

## **5.4 Section 5311(b)(3) Rural Transit Assistance Program (RTAP)**

### **Program Goals**

The goals of the Section 5311(b)(3) program are to:

- Promote the safe and effective delivery of public transportation in non-urbanized areas and make more efficient use of public and private resources
- Foster the development of state and local capacity for addressing the training and technical assistance needs of the rural transportation community
- Improve the quality of information and technical assistance available through the development of training and technical assistance resource materials
- Facilitate peer-to-peer self-help through the development of local networks of transit professionals
- Support the coordination of public, private, specialized, and human service transportation services

### **Eligible Subrecipients**

UDOT is the only eligible grant applicant. Local agencies may submit a request for Section 5311(b)(3) funding to the PTT.

### **Eligible Activities**

Funds may support non-urbanized transit activities in four categories:



- Training
- Technical assistance
- Research
- Related support services

UDOT utilizes its appropriated RTAP dollars to fund Utah's Urban and Rural State Transportation Association (URSTA). URSTA is a statewide organization with the purpose of being an advocate for transit, increasing public awareness, hosting regional and statewide bus rodeos, and providing administrative and operational training opportunities. See [www.ursta.org](http://www.ursta.org) for more information.

### **Match Requirements**

There is no local share requirement for Section 5311(b) (3) funds.

### **Reporting/Performance Measures**

Reporting requirements are established on a contract-by-contract basis and are included in the contract between the PTT and the subrecipient.

## **5.5 Section 5311(f) Intercity Bus Program**

### **Program Goals**

The goals of the Section 5311(f) program are to:

- Support the connection between non-urbanized areas and the larger regional or national system of intercity bus service
- Support services to meet the intercity travel needs of residents in non-urbanized areas
- Support the infrastructure of the intercity bus network through planning and marketing assistance and capital investment facilities
- Apportion 15 percent of the Section 5311 program funds for the Section 5311(f) program

### **Eligible Subrecipients**

Intercity bus service providers that receive FTA grant funds indirectly through a subrecipient are eligible for funding.

### **Eligible Activities**

Eligible expenses include capital, operating, and project administrative expenses for projects that develop and support intercity bus transportation.



## **Match Requirements**

FTA allows for the use of in-kind match in lieu of a required local match. The in-kind match is derived from the unsubsidized operating costs in connecting interstate corridors.

## **Reporting/Performance Measures**

### **Federal Financial Report (FFR)**

The purpose of the FFR is to provide a current, complete, and accurate financial picture of the grant. It is prepared on the accrual basis of accounting. It contains financial facts, financial data, and is based on required supporting documentation.

### **Milestone Progress Report (MPR)**

The MPR is the primary written communication between the direct recipient and FTA. It is used to track progress at the budget level. The MPR is initially based on the milestone schedule completed when the application is first created, submitted, and approved. The electronic grants system also allows for milestones to be added at the project and scope levels.

## **5.6 Section 5311 Compliance**

### **Site Visit and Inspection**

Site visits and inspections are performed by the Compliance Officer and include a comprehensive review of the funded activities. These site visits are similar to the site visits done for the Section 5310 program, but are usually more involved due to the larger variety of projects and funding types. The purpose of the site visit for the Section 5311 program is to verify that each vehicle or facility is being used for the intended purpose, procurement documentation is being maintained, maintenance is being performed and is effective, Title VI posters are current and posted in necessary areas, ADA features are adequate and functioning properly, insurance and registration are current and adequate, operations comply with policy, and an opportunity for technical assistance is provided for the subrecipient. The Compliance Officer is always available and is expected to provide assistance as needed. For Section 5311 projects, operations and administrative activities are eligible expenses and are included in the reviews.

### **Construction Projects**

The PTT requires subrecipients to perform construction management of construction projects. The PTT oversees these management operations as well as the procurement process—including oversight of the procurement process starting immediately after execution of a contract agreement between the subrecipient and the PTT. Oversight of the procurement process is done in accordance with the PTT Procurement Guide and includes mandatory review points, attendance of any pre-advertisement and pre-bid meetings, and optional attendance at bid openings. Throughout



construction, the PTT performs periodic site visits and inspections to oversee the construction management.

Mandatory review points include:

- Pre-advertising review to evaluate solicitation documentation and contract documents. The PTT's review of construction specifications and plans is for compliance with federal and state procurement regulations and not for compliance to industry and other design standards. The subrecipient retains all responsibility for developing plans and specifications in accordance with applicable codes and standards.
- Pre-award review to verify proposed successful bidder is responsive and responsible.

The PTT attends meetings when deemed necessary to provide technical assistance on federal and state requirements and to document compliance with solicitation documents.

Throughout construction, the Compliance Officer performs site visits and inspections through a similar process as described for non-construction projects. The purpose of site visits for construction projects is to review construction management methods, including administration items such as subcontracting, change orders, schedule, scope, budget, insurance, and bonds; site safety; materials documentation including Buy America compliance, acceptance testing, submittals, and certifications; Title VI compliance; and overall project status. Compliance with federal and state requirements is reviewed along with compliance to the contract plans and specifications. Site visits are also a technical assistance opportunity for the subrecipient. The Compliance Officer is always available and is expected to provide assistance as needed.

## **5.7 Section 5316 Job Access Reverse Commute (JARC)**

The JARC program provides formula funding to states to support the development and maintenance of job access and/or reverse commute projects designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment. These grant funds are intended to provide capital and operating assistance within small urban areas (communities with populations between 50,000 and 200,000) and non-urbanized areas (rural populations less than 50,000).

The JARC program was repealed by MAP-21 and portions were combined with Section 5311. Funds under this program were only available before FY 2013 and are only available if those funding years have remaining unobligated funds.



## **Program Goals**

The goals of the Section 5316 program is to improve access to transportation services to employment and employment-related activities for eligible low-income individuals and to transport residents of urbanized areas and non-urbanized areas to suburban employment opportunities.

## **Eligible Subrecipients**

Eligible subrecipients for JARC funds include:

- Private non-profit organizations
- State or local governmental authorities
- Operators of public transportation services including private operators of public transportation services

Note that private for-profit operators of public transit services may participate as third-party contractors for eligible subrecipients.

## **Eligible Activities**

Funds from the JARC program are available for capital, planning, and operating expenses. The PTT has no explicit policy on service areas for this program. Projects must be for the general targeted population and not specific to an agency's eligible consumer group. Examples of eligible expenses include, but are not limited to:

- Late-night and weekend service
- Shuttle service
- Expansion of fixed-route public transit routes
- Demand-responsive van service
- Promotion, through marketing efforts, of the:
  - Use of transit by workers with non-traditional work schedules
  - Use of transit voucher programs by appropriate agencies for welfare recipients and other low-income individuals
  - Development of employer-provided transportation such as shuttles, ridesharing, or carpooling
  - Use of transit pass programs and benefits under Section 132 of the Internal Revenue Code of 1986
- Ridesharing and carpooling activities
- Supporting local car loan programs that assist individuals in purchasing and maintaining vehicles for shared rides, including the provision of capital loan guarantees for such car loan programs, provided the federal interest in the loan guarantee fund is maintained and the funds



continue to be used for subsequent loan guarantees or are returned to the government upon the release of funds from each guarantee.

- Implementing intelligent transportation systems (ITS), including customer trip information technology, vehicle position monitoring systems, or geographic information systems (GIS) software.
- Integrating automated regional public transit and human service transportation information, scheduling, and dispatch functions.
- Subsidizing the costs associated with adding reverse commute bus, train, carpool van routes, or service from urbanized area and non-urbanized areas to suburban work place.
- Subsidizing the purchase by a nonprofit organization or public agency of a van or bus dedicated to shuttling employees from their residences to a suburban workplace.
- Supporting mobility management and coordination programs among public transportation providers and other human service agencies providing transportation. Mobility management techniques may enhance transportation access for populations beyond those serviced by one agency or organization within a community. For example, under mobility management, a nonprofit agency could receive job access and reverse commute funding to support the administrative costs of sharing services it provides to its own clientele with other low-income individuals and coordinate usage of vehicles with other nonprofits, but not the operating costs of the service.
- As described under “Capital Projects,” mobility management is intended to build coordination among existing public transportation providers and other transportation service providers with the result of expanding the availability of service.

### **Match Requirements**

The federal share of eligible capital and planning expenses may not exceed 80 percent of the net cost of the activity, leaving the local share of capital costs at no less than 20 percent of the net cost of the activity. The federal share of eligible net operating expenses may not exceed 50 percent, leaving a local share of not less than 50 percent. The PTT does not allow higher federal share rates for bicycle access and transport or for vehicle-related equipment or facilities required by the ADA or Clean Air Act. The PTT does not allow use of a sliding scale based on the ratio of designated state public land areas to the total state area. The local share may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a state or local service agency or private social service organization, or new capital. Some examples of these sources of local match include: state or local appropriations, dedicated tax revenues, private donations, revenue from service contracts, toll revenue credits, and net income generated from advertising and concessions. In addition, the local share may be derived from federal programs that are eligible to be expended for transportation, other than USDOT programs, or from USDOT’s Federal Lands Highway Program. Examples of types of programs that are potential sources of local



match include: employment, training, aging, medical, community services, and rehabilitation services.

## **Reporting/Performance Measures**

### **Federal Financial Report (FFR)**

The purpose of the FFR is to provide a current, complete, and accurate financial picture of the grant. It is prepared on the accrual basis of accounting. It contains financial facts, financial data, and is based on required supporting documentation.

### **Milestone Progress Report (MPR)**

The MPR is the primary written communication between the direct recipient and FTA. It is used to track progress at the budget level. The MPR is initially based on the milestone schedule completed when the application is first created, submitted, and approved. The electronic grants system also allows for milestones to be added at the project and scope levels.

### **Quarterly Reporting**

It is the responsibility of the Program Manager to ensure that each subrecipient is submitting the required quarterly reports. Quarterly reports are based on the FFY and are submitted in January, April, July, and October. The Program Manager reviews and approves the quarterly reports. Compared to the aforementioned programs, the reporting requirements for Sections 5316 and 5317 are more qualitative in nature. These requirements may include, but are not limited to:

- Number of rides given
- Current geographic region and expansion
- Number of regional coordination meetings held
- Identification of new providers in a region
- Description of new projects to improve accessibility/mobility
- Number of coordination contacts made
- Efforts to improve accessibility/planning efforts (ongoing or completed)
- Lessons learned
- Greatest accomplishments

## **Compliance**

See Sections 4.5 and 4.6 for asset management, oversight and compliance procedures and requirements.

## **5.8 Section 5317 New Freedom**

New Freedom funds are used to provide additional tools to overcome existing barriers that face Americans with disabilities who are seeking integration into the workforce and full participation in



society. The New Freedom program was repealed by MAP-21 and portions were combined with Section 5310. Funds under this program were only available before FY 2013 and are only available if those funding years have remaining unobligated funds.

### **Program Goals**

Lack of adequate transportation is a primary barrier to work for individuals with disabilities. The 2000 Census showed that only 60 percent of people between the ages of 16 and 64 with disabilities were employed. The New Freedom formula grant program seeks to reduce barriers to transportation services and expand the transportation mobility options available to people with disabilities beyond the requirements of the ADA.

### **Eligible Subrecipients**

Eligible subrecipients for New Freedom funds include:

- Private non-profit organizations
- State or local governmental authorities
- Operators of public transportation services including private operators of public transportation services

Note that private for-profit operators of public transit services may participate as third-party contractors for eligible subrecipients.

### **Eligible Activities**

New Freedom program funds are available for capital and operating expenses that support new public transportation services beyond those required by the ADA and new public transportation alternatives beyond those required by the ADA designed to assist individuals with disabilities with accessing transportation services, including transportation to and from jobs and employment support services. For the purpose of the New Freedom program, “new” service is any service or activity that was not operational on August 10, 2005, and did not have an identified funding source as of August 10, 2005, as evidenced by inclusion in the TIP or the STIP. In other words, if not for the New Freedom program, these projects would not have consideration for funding and proposed service enhancements would not be available for individuals with disabilities.

Recipients may not terminate ADA paratransit enhancements or other services funded as of August 10, 2005, in an effort to reintroduce the services as “new” and then receive New Freedom funds for those services.

Eligible projects funded with New Freedom funds may continue to be eligible for New Freedom funding indefinitely as long as the project(s) continue to be part of the coordinated plan. Both new



public transportation services and new public transportation alternatives are required to go beyond the requirements of the ADA and must: 1) be targeted toward individuals with disabilities; and 2) meet the intent of the program by removing barriers to transportation and assisting individuals with disabilities with transportation, including transportation to and from jobs and employment services. The PTT has no explicit policy on service areas for this program. Projects must be for the general targeted population and not specific to an agency's eligible consumer group. Examples of eligible expenses include, but are not limited to:

- Capital expenses:
  - Supporting new mobility management and coordination programs among public transportation providers and other human service agencies providing transportation. Mobility management activities may include:
    - Promotion, enhancement, and facilitation of access to transportation services, including the integration and coordination of services for individuals with disabilities, seniors, and low-income individuals
    - Support for short-term management activities to plan and implement coordinated services
    - Operation of transportation brokerages to coordinate providers, funding agencies, and customers
    - Provision of coordination services, including employer-oriented transportation management organizations' and human service organizations' customer-oriented travel navigator systems and neighborhood travel coordination activities such as coordinating individualized travel training and trip-planning activities for customers
    - Development and operation of one-stop transportation traveler call centers to coordinate transportation information on all travel modes and to manage eligibility requirements and arrangements for customers among supporting programs
    - Operational planning for the acquisition of ITS technologies to help plan and operate coordinated systems inclusive of GIS mapping; GPS technology; and coordinated vehicle scheduling, dispatching, and monitoring technologies; as well as technologies to track costs and billing in a coordinated system and single smart customer payment systems. (Acquisition of technology is also eligible as a stand-alone capital expense.)
- Operating expenses:
  - Enhancing paratransit beyond minimum requirements of the ADA. ADA-complementary paratransit services can be eligible under the New Freedom program in several ways as long as the services provided meet the following definition of "new:"



- Expansion of paratransit service parameters beyond the three-quarters of a mile required by the ADA
- Expansion of current hours of operation for ADA paratransit services that are beyond those provided on the fixed-route services
- The incremental cost of providing same-day service
- Enhancement of the level of service by providing attendants or assisting riders through the door of their destination
- Supporting the management and expenses related to new voucher programs for transportation services offered by human service providers, such as:
  - Mileage reimbursement as part of a volunteer driver program
  - Taxi trips
  - Trips provided by a human service agency

Note: Transit passes for use on fixed-route or ADA-complementary paratransit services are not eligible.

- Providing new “feeder” service, which is transit service that provides access to commuter rail, commuter bus, intercity rail, and intercity bus stations, for which complementary paratransit service is not required under the ADA
- Conducting travel training, including new programs for individual users on awareness, knowledge, and skills of public and alternative transportation options available in their communities. This includes travel instruction and travel training services
- Supporting aide (ride-along attendant) programs

### **Match Requirements**

The federal share of eligible capital expenses may not exceed 80 percent of the net cost of the activity, leaving the local share of capital costs at no less than 20 percent of the net cost of the activity. The federal share of eligible net operating expenses may not exceed 50 percent, leaving a local share of not less than 50 percent. The PTT does not allow higher federal share rates for bicycle access and transport or for vehicle-related equipment or facilities required by the ADA or Clean Air Act. The PTT does not allow use of a sliding scale based on the ratio of designated state public land areas to the total state area. The local share may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a state or local service agency or private social service organization, or new capital. Some examples of these sources of local match include: state or local appropriations, dedicated tax revenues, private donations, revenue from service contracts, toll revenue credits, and net income generated from advertising and concessions. In addition, the local share may be derived from federal programs that are eligible to be expended for transportation, other than USDOT programs, or from USDOT’s Federal Lands Highway Program. Examples of types of programs that are potential sources of local match include: employment, training, aging, medical, community services, and rehabilitation services.



## **Reporting/Performance Measures**

### **Federal Financial Report (FFR)**

The purpose of the FFR is to provide a current, complete, and accurate financial picture of the grant. It is prepared on the accrual basis of accounting. It contains financial facts, financial data, and is based on required supporting documentation.

### **Milestone Progress Report (MPR)**

The MPR is the primary written communication between the direct recipient and FTA. It is used to track progress at the budget level. The MPR is initially based on the milestone schedule completed when the application is first created, submitted, and approved. The electronic grants system also allows for milestones to be added at the project and scope levels.

### **Quarterly Reporting**

It is the responsibility of the Program Manager to ensure that each subrecipient is submitting the required quarterly reports. Quarterly reports are based on the FFY and are submitted in January, April, July, and October. The Program Manager reviews and approves the quarterly reports. Compared to the aforementioned programs, the reporting requirements for Sections 5316 and 5317 are more qualitative in nature. These requirements may include, but are not limited to:

- Number of rides given
- Current geographic region and expansion
- Number of regional coordination meetings held
- Identification of new providers in a region
- Description of new projects to improve accessibility/mobility
- Number of coordination contacts made
- Efforts to improve accessibility/planning efforts (ongoing or completed)
- Lessons learned
- Greatest accomplishments

## **Compliance**

See Sections 4.5 and 4.6 for asset management, oversight and compliance procedures and requirements.

## **5.9 Section 5339 Bus and Bus Facilities**

The Section 5339 Bus and Bus Facilities program provides formula funding for the purpose of replacing, rehabilitating, and purchasing buses and related equipment, and to construct bus-related facilities.



## **Program Goals**

The goal of the Section 5339 program is to improve bus and bus facilities by funding capital projects to replace, rehabilitate and purchase buses, vans, and related equipment, and to construct bus-related facilities. PTT policy is to prioritize projects that replace existing vehicles or expand on existing services, as well as projects that include bus-related facilities.

## **Eligible Subrecipients**

The PTT administers and provides funding for the small urban and rural areas—areas with populations less than 200,000. Eligible subrecipients include public agencies or private non-profit organizations engaged in public transportation, including those providing services open to a segment of the general public, as defined by age, disability, or low income.

## **Eligible Activities**

Eligible activities under the Section 5339 program include capital projects to replace, rehabilitate and purchase buses, vans, and related equipment, and to construct bus-related facilities. Projects for both fixed-route and demand-response services are eligible. Examples of bus-related facility activities include, but are not limited to:

- Bus maintenance and administrative facilities
- Transfer facilities
- Bus malls
- Transportation centers
- Intermodal terminals
- Park-and-ride stations
- Passenger shelters
- Accessory and miscellaneous equipment such as mobile radio units, fare boxes, and garage equipment

Charter service, meal delivery, package delivery, and school transportation are not eligible expenses and are prohibited by PTT policy.

## **Match Requirements**

The federal share of eligible capital costs may not exceed 80 percent of the net cost of the activity, leaving the local share of capital costs at no less than 20 percent of the net cost of the activity. The PTT does not allow higher federal share rates for bicycle access and transport or for vehicle-related equipment or facilities required by the ADA or Clean Air Act. The PTT does not allow use of a sliding scale based on the ratio of designated state public land areas to the total state area. The local share may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a state or local service agency or private social service



organization, or new capital. Some examples of these sources of local match include: state or local appropriations, dedicated tax revenues, private donations, revenue from service contracts, toll revenue credits, and net income generated from advertising and concessions. In addition, the local share may be derived from federal programs that are eligible to be expended for transportation, other than USDOT programs, or from USDOT's Federal Lands Highway Program. Examples of types of programs that are potential sources of local match include: employment, training, aging, medical, community services, and rehabilitation services.

### **Reporting/Performance Measures**

Reporting requirements for 5339 may include:

- DBE
- Quarterly Report (procurement and construction projects only)
- Surveillance Report
- Preventive Maintenance
- Accidents/Incidents

### **Federal Financial Report (FFR)**

The purpose of the FFR is to provide a current, complete, and accurate financial picture of the grant. It is prepared on the accrual basis of accounting. It contains financial facts, financial data, and is based on required supporting documentation.

### **Milestone Progress Report (MPR)**

The MPR is the primary written communication between the direct recipient and FTA. It is used to track progress at the budget level. The MPR is initially based on the milestone schedule completed when the application is first created, submitted, and approved. The electronic grants system also allows for milestones to be added at the project and scope levels.

### **Compliance**

See Sections 4.5 and 4.6 for asset management, oversight and compliance procedures and requirements.

## **5.10 Program Complaint Procedures**

Complaints regarding ADA compliance, civil rights violations, Title VI, project selection, or other grievances may be filed at the local, state, or FTA level. Complaints are first filed at the lowest level and are subsequently filed at higher levels only if the complaints are not resolved, as described below.



UDOT has developed and maintains a list of any active investigations conducted by entities other than FTA, lawsuits, or complaints naming the recipient and/or subrecipients that allege discrimination on the basis of race, color, or national origin. The list includes the date of the investigation, lawsuit, or when the complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient or subrecipient in response to the investigation. UDOT maintains copies of ADA complaints for 5-years.

### **Local Complaint Procedures**

The PTT requires subrecipients to have an appeals process to handle complaints from private non-profit and/or for-profit organizations. The PTT requires all subrecipients to have complaint procedures in place that incorporate due process, including the following:

- A detailed, written description of the procedures for filing a complaint
- Prompt and equitable resolution
- An opportunity for the complainant to provide additional information
- Notification to complainant of whom to contact regarding the status of the complaint
- An appeal procedure

### **State Complaint Procedures**

Complaints not resolved at the local level and complaints against the state are filed at UDOT's Civil Rights office. Complaints submitted to UDOT must be in writing, detail the exact nature of the complaint, and be accompanied by sufficient evidence to enable UDOT to make a preliminary determination as to whether probable cause exists to believe that a violation has taken place. UDOT may undertake any investigation process that may be deemed necessary. No more than 30 days are allowed for a response to the validated complaint. If further action is desired by the complainant, the FTA procedure may be followed. Complaints are sent to:

Utah Department of Transportation  
Civil Rights Office  
4501 South 2700 West  
P.O. Box 141520  
Salt Lake City, UT 84114-1520

### **FTA Complaint Procedures**

Complaints not resolved at the state level are filed with the FTA Region VIII Administrator. All complaints submitted to FTA must be in writing, specify in detail the action claimed to violate the agreement, and be accompanied by evidence sufficient to enable the administrator to make a preliminary determination as to whether probable cause exists to believe that violation of the agreement has taken place. Complaints are sent to:



FTA Region VIII Administrator  
Byron Rogers Federal Building  
1961 Stout Street  
Suite 13-301  
Denver, CO 80294

## **CHAPTER 6. FTA TRANSIT PROGRAMS MANAGED BY UDOT TRAFFIC & SAFETY**

The information in this chapter is applicable to MAP-21 funding, meaning FFY2013 and beyond.

### **6.1 Section 5329 Safety and Security Oversight**

State Safety Oversight (SSO) of “rail fixed guideway public transportation systems” has been required by the Federal Transit Administration (FTA) since 1995 under 49 Code of Federal Regulations (CFR) Part 659 and more recently under 49 CFR Part 674. FTA regulations stipulate system safety and emergency preparedness requirements for rail transit systems and their oversight agencies. In our state, modes covered by these regulations are Utah Transit Authority (UTA) TRAX Light Rail and the Sugar House Streetcar (S Line).

Pursuant to federal regulation, states designate a State Safety Oversight Agency (SSOA). In Utah, the SSOA is the Utah Department of Transportation (UDOT). The program is housed within the Division of Traffic & Safety and run by one full-time Program Manager. The Program utilizes assistance from UDOT Railroad & Ropeways staff in addition to in-house and external technical consultants.

Key SSOA program activities include:

- Meeting regularly with UTA Safety, Security, Operations, Maintenance personnel;
- Conducting required audits and as-needed special assessments;
- Approving primary UTA safety, security, and emergency preparedness plans;
- Adopting UTA investigations of accidents, incidents, and hazards; and
- Verifying UTA progress in correcting safety and security gaps.

The SSO program maintains a collaborative relationship with UTA, particularly with its Safety Department and executive leadership. This facilitates strong communication between the parties and an atmosphere of mutual respect. When UDOT makes note of a deficiency or point of non-compliance at UTA, UDOT works with UTA to devise a path forward to eliminate or mitigate the issue. UTA’s Safety Department then monitors the Corrective Action Plan to resolution, providing UDOT with status updates and verification documentation.



## **Program Goals**

The overall goals of UDOT's SSO Program are reducing the potential for safety incidents and increasing awareness of safety and emergency preparedness. The SSO is intended to address these and related objectives in a proactive manner, with the belief that preventing incidents through reasonable measures is preferable to reacting to them after they occur. For the procedures and standards of the State Safety Oversight Program (SSO), visit:

<http://www.udot.utah.gov/main/f?p=100:pg:0:::1:T,V:4456>,

## **Eligible Activities, Roles, & Responsibilities**

As of November 2017, UDOT has achieved certification under 49 CFR Part 674, the new SSO rule under the Moving Ahead for Progress in the 21st Century (MAP-21) Act of 2012 (49 USC 5329e).

The SSO Program Manager is the person at UDOT responsible for meeting the requirements of the FTA SSO program under MAP-21. This person is on call 24 hours a day, 7 days a week and receives text messages and emails immediately when an incident occurs, typically followed by a phone call within two hours. The SSO Program Manager has the right to conduct incident investigations alone, jointly with UTA, or delegate the investigation completely to UTA.

As part of this new regulatory oversight, UDOT has enhanced its primary program document that identifies the rail transit agency's minimum responsibilities for safety and security functions.

UDOT's *Rail Transit State Safety Oversight Procedures & Standards* (September 2017 Revision) has been developed based on FTA's new SSO requirements, including:

- More stringent requirements for UDOT verification of UTA's completion of Corrective Action Plans
- Additional reporting criteria for TRAX accidents and incidents
- Annual reports to the Governor and the UTA Board of Trustees
- Enhanced UDOT staffing and training requirements
- Oversight of major capital projects now begins with the engineering phase

These new requirements join the pre-existing program activities required by FTA, such as:

- UTA's development and UDOT's approval of a System Safety Program Plan (SSPP)/Transit Agency Safety Plan (TASP)
- Investigation of certain types of accidents and hazards
- Regular and periodic on-site audits of TASP implementation and compliance

FTA is in the midst of completing additional rulemaking regarding the contents of the transit agency's TASP. UDOT and UTA's safety functions will dedicate significant effort to these requirements once released.



In addition to the above-mentioned duties that will involve staff salaries and consultant contracts, SSO Program funding may be used to cover administrative and direct costs such as SSO-related training, conferences, office supplies, and travel costs incurred to support activities outlined above.

## CHAPTER 7. RESOURCES

Transportation funding and the laws and guidelines that govern the implementation of the various transportation programs are fluid and subject to change. The programs discussed above and their circulars will, at some point, evolve or be replaced. With that in mind, it is important to utilize the resources below for assistance with day-to-day work as well as to maintain awareness of the dynamic transit field.

The resources below are grouped by external (other agencies/sites/programs) and internal guidance. It is important to gain a familiarity with all of them.

### **External Guidance**

FTA Home Page:

<http://www.fta.dot.gov/>

FAST-Act

<https://www.transit.dot.gov/FAST>

MAP-21:

<https://www.transit.dot.gov/regulations-and-guidance/legislation/map-21/map-21>

Grants and Financing

<https://www.transit.dot.gov/funding/grants/grant-programs>

National Transit Database:

<https://www.transit.dot.gov/ntd>

Third-Party Contracting Guidance:

<https://www.transit.dot.gov/regulations-and-guidance/fta-circulars/third-party-contracting-guidance>

FTA Best Practices Procurement Manual:

<https://www.transit.dot.gov/funding/procurement/third-party-procurement/best-practices-procurement-manual>



FTA Construction Project Management Handbook:

<https://www.transit.dot.gov/funding/procurement/fta-construction-management-handbook-2016>

FTA ITS Architecture Policy Guidance:

<https://www.transit.dot.gov/research-innovation/national-its-architecture-consistency-policy-transit-projects>

FTA Master Agreement:

<https://www.transit.dot.gov/funding/grantee-resources/sample-fta-agreements/fta-grant-agreements>

USDOT Common Grant Rule, 49 CFR 18

[https://one.nhtsa.gov/nhtsa/whatsup/tea21/GrantMan/HTML/03\\_DOTComRul\\_49CFR18.html](https://one.nhtsa.gov/nhtsa/whatsup/tea21/GrantMan/HTML/03_DOTComRul_49CFR18.html)

Transportation Research Board

<http://www.trb.org/Main/Home.aspx>

RTAP

<http://www.nationalrtap.org/>

Utah Urban Rural Specialized Transportation Association (URSTA)

<http://www.ursta.org/>

National Center for Mobility Management

<https://nationalcenterformobilitymanagement.org/>

American Public Transportation Association (APTA)

<https://www.apta.com/Pages/default.aspx>

## **Internal Guidance**

### **UDOT PTT**

PTT Home Page:

<http://www.udot.utah.gov/publictransit>

Transit Asset Management Plan (2017)

<https://www.udot.utah.gov/main/uconowner.gf?n=39441908913392043>



PTT online

<https://www.udot.utah.gov/public/ptt/f?p=131:101:13167477360608::::>

UDOT Title VI Program

<https://www.udot.utah.gov/main/uconowner.gf?n=8444127761178867>

Title VI Training Resources

<https://www.udot.utah.gov/main/f?p=100:pg:0:::1:T,V:4242>

UDOT FTA DBE Program

<https://www.udot.utah.gov/main/uconowner.gf?n=35332407757833627>



## APPENDIX



## **APPENDIX A      PTT ANNUAL SCHEDULE**

UDOT Public Transit Team  
2019 State Management Plan & Policies and Procedures



Task	1st Quarter				2nd Quarter				3rd Quarter				4th Quarter				1st Quarter				2nd Quarter				Task
	Jan	Feb	Mar		Apr	May	Jun		Jul	Aug	Sep		Oct	Nov	Dec		Jan	Feb	Mar		Apr	May	Jun		
1. Application Process																									1
2. Update Coordinated Plan / Identify Projects																									2
3. Letter of Interest Review / Submitting																									3
4. UDOT PTT LT Review																									4
5. Approved Complete Applications																									5
6. UDOT PTT Application Review																									6
7. ADU MPO where Local Applications (5018 Program)																									7
8. PTT and Approved Review Funding (\$11,630 Program)																									8
9. UDOT PTT Scores and Priorities Applications																									9
10. Projects Awarded to UDOT PTT																									10
11. UDOT Funds Preliminary Award & Detail Letters to Subscribers																									11
12. Awarded Projects Included on Draft STP																									12
13. STP Approval (October of Fiscal Year)																									13
14. Compliance Requirements																									14
15. National Transit Database (NTD)																									15
16. NTD Subsequent Report Due to PTT																									16
17. UDOT Subsequent Report to NTD																									17
18. Complementary Performance Report (if applicable)																									18
19. Subsequent Complementary Travel Report Due to PTT																									19
20. UDOT Approval and Submission of Complementary Reports to FTA																									20
21. Annual Subsequent Financial Report																									21
22. DOT Drug and Alcohol MTR Report - Internal Review																									22
23. DOT Drug and Alcohol MTR Report - Subsequent Submittal Deadline																									23
24. Subsequent Compliance Monitoring																									24
25. 1st Quarter Report Due																									25
26. 2nd Quarter Report Due																									26
27. 3rd Quarter Report Due																									27
28. 4th Quarter Report Due																									28
29. FY PFA T&M Milestone Reporting																									29
30. PTT T&M Report Deadline																									30
31. Civil Rights Requirements																									31
32. DBE Goal (Every 3 Years)																									32
33. DBE Incentive Letter in T&M (if needed)																									33
34. Subsequent DBE Reports to PTT																									34
35. PTT DBE Reports Due to FTA																									35
36. T&M Plan Updates (Every 3 years)																									36
37. Plan Updates (Every 4 years)																									37
38. Transit Asset Management Plan (TAM)																									38
39. Report Priorities to UDOT PTT and Transit NTD																									39
40. Report Priorities for Next UDOT PTT to NTD																									40
41. Submit Narrative Report to NTD																									41



## **APPENDIX B      PROGRAM of PROJECTS**





## **APPENDIX C      INVOICE LETTER**



January 30, 2018

Tim Boschert  
UDOT Public Transit Team  
4501 South 2700 West  
Box 143600  
Salt Lake City UT 84114-3600

Dear Tim:

This letter is a formal request by XYZ City for reimbursement for federal funds from UDOT Contract #123456.

Invoice #123117123456 (billing period end + contract #)

Invoice billing period: October 1 through December 31, 2017

<b><u>80% Federal Funding</u></b>	<b><u>20% Local Match</u></b>	<b><u>Total Cost</u></b>
\$51,830.40	\$12,957.60	\$64,788.00

Or:

<b><u>50% Federal Funding</u></b>	<b><u>50% Local Match</u></b>	<b><u>Total Cost</u></b>
\$32,394.00	\$32,394.00	\$64,788.00

Attached you will find an itemized detail of expenditures and all required backup documentation. Please contact me with any questions.

Sincerely,

John Doe  
City Administrator



## **APPENDIX D                      SCORING CRITERIA**



**5310 Application Scoring Sheet**  
**FFY 20\_\_**

Agency Name:

Reviewer(s):

Evaluation Criteria		Scoring Explanation	Scoring
1	FTA 5310 Coordination Requirement	How does the project address the needs and strategies identified in the Coordinated Plans? FTA requires that the project address at least one need/strategy.	0-15
		Scoring: 5 points for each need and strategy identified. Maximum of 15 points.	
2	Project Work Plan	How does the work plan address the five required elements - project goals, implementation timeline, project staffing, marketing strategy, and project sustainability?	0-15
		Scoring: A maximum of 3 points for each of the five required elements. Maximum award of 15 points	
3	Fiscal and Managerial Capacity	How does the project show its ability to provide efficient/effective transportation services, including scheduling, dispatching, compliance with reporting requirements; fiscal accountability; and funding sources which will enable the applicant to provide required local match, if needed. In addition, projects should maximize use and operating efficiency of existing vehicles, eliminate duplicative services and establish or expand financial relationships with other HST providers. Agencies presently participating in 5310 programs may have their ratings reduced for failing to comply with reporting procedures prescribed by those programs.	0-20
		Scoring: up to 4 points for sections 2 through 6 of the Risk Assessment Form. 20 points possible. Applicants with no awards within the past 10 years will receive a score up to 10 points based on budget and match information provided in the application	
4	Need and Use of Proposed Funds	The degree and urgency of need for funds as it relates to the applicant's ability to expand or continue program services. Scoring based on budgets, vehicle usage, past awards, projections, etc.	0-30
5	AOG Prioritization	Ranking from AOG	0-20
		Scoring: 20 points possible. Reduction of 5 points for each ranking below 1.	
	Total	Total Score from 1-5 Maximum award of 100 points.	

Notes: